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APPENDIX

TO

NEGRO APPRENTICESHIP

IN THE

BRITISH COLONIES.

BY THE

COMMITTEE OF THE LONDON ANTI-SLAVERY SOCIETY.

LONDON:

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(A.)

COMPARATIVE ALLOWANCES TO NEGROES IN THE CROWN COLONIES UNDER THE SLAVE LAW AND THE APPRENTICESHIP ORDINANCES

	AGE, &c.	SLAVE PROVISIONS
General Order in Council, 2nd Nov. 1831. Weekly Rations. The Governor or protector might substitute other provision equivalent and equally nutritious.	Slaves. Above 10 years of age.	21 *pints of the flour or meal of Guinea or Indian corn, or 21 pints of wheat flour*; or 56 full grown plantains, or 56 lbs. of cocoas or yams; and also 7 herrings or shads, or other salted provisions equal thereto.
	Under 10 years of age.	One half of the above allowance.
		Or,
Provision Grounds.	If 15 years of age.	*Half an acre* of land not more than 2 miles from the slave's residence.
	Under 15 years of age.	Quarter of an acre of land as aforesaid.
		In both cases, seeds and implements of husbandry on first entry: and 40 *days per annum*, in as many successive weeks, for the purpose of cultivation.
		And,
Yearly Clothing. The protector might substitute other articles equivalent thereto.	Males 15 years of age.	One hat of chip, straw, felt, or other more durable material, one cloth jacket, two cotton check shirts, two pair of Osnaburg trousers, two pair of shoes, one blanket, one knife, one razor.
	Females 13 years of age.	One chip or straw hat, two gowns or wrappers, two cotton shifts, two Osnaburg petticoats, two pair of shoes, 1 blanket, 1 pair of scissars.
	Males under 15.	One hat, one cloth jacket, one pair of trousers, one pair of shoes.
	Females under 13.	One chip or straw hat, one gown, one shift, one petticoat, 1 pair of shoes.
		And,
Household Furniture.	Each family.	One saucepan, one kettle, pot, or caldron.
	Each slave.	A wooden or iron bedstead, or boards, one foot above the ground.

COLONIES.	AGE, &c.	APPRENTICESHIP PROVISIONS.
BRITISH GUIANA. Weekly Rations. The Governor, district sessions, or chairman may substitute other provisions equivalent & equally nutritious.	Apprentices Above 12 years of age.	10 *pints of wheat flour, Indian corn, meal, or rice*, or 79 lbs. weight of full grown plantains; or 25 lbs. of yams, potatoes, or 20 lbs. of eddoes or tanyahs; and also 3 lbs. of salt fish (cod), or 4 lbs. of herrings, mackarel, or shads; or two lbs. of salt beef or pork; or 4 lbs. of fresh beef or pork, with half a pint of salt.
	Under 12 years of age.	One half of the above allowance.
		Or,
Provision Ground.	.....	A *sufficiency* of land not more than 2 miles distant, seeds, implements, and 40 days, in as many weeks for cultivation.
		And,
Yearly Clothing. The district sessions or chairman may substitute equivalent articles.	Males.	One felt hat, 1 blue cloth jacket (lined), 1 pair of blue cloth trousers, 1 pair of duck trousers, 1 linen check shirt, 1 red woollen shirt, 1 woollen cap, 2 Salempores caps, 1 knife, 1 razor, 1 blanket.
	Females.	One felt hat, 2 handkerchiefs, 1 woollen wrapper, 1 penniston petticoat, 1 check shift (5 yds.), 1 Salempores petticoat (4 yds.), 1 blanket, 1 pair of scissars.
	Children 1 to 5 years of age.	Three check shirts, 1 blanket, and 1 woollen cap.
	Infants.	One piece of calico and 5 yards of check each.
Household Furniture.	Each house.	One table for meals, each male or female above 12, a saucepan yearly for cooking, and bedstead as in slave provisions, to all.
	Each family.	An iron pot for cooking yearly.
MAURITIUS. Weekly Rations. The Governor may substitute other provisions equivalent & equally nutrious.	Above 10 years of age.	*Six pints of wheaten or rye flour, or rice, or nine pints of corn meal, or farine of manioc, or 7 lbs. of biscuit*, or 50 full grown plantains, or 21 lbs. of yams or casada, or sweet potatoes, or eddoes, or tanyahs and 3½ lbs. of cod fish (called salt fish).
	Under 10 years of age.	One half of the above allowance.
		Or,
Provision Grounds.	.....	The same ground as in the Slave Order in Council of 2nd November, 1831, with not less than 4½ *hours per week, nor more than 7 hours per week* for cultivation, at the discretion of the Governor and Council.
		And,
Yearly Clothing, or equivalent articles at the discretion of the special justice.	Males above 5 years.	One felt hat, 1 Scotch bonnet, 1 cloth wrapper or jacket, 2 red flannel, or Osnaburg, or check shirts, 2 pair of cloth, Osnaburg, or sheeting trousers, 1 knife.
	Females above 5 yrs.	One felt hat, 1 cloth wrapper, 2 neckerchiefs, 2 linen or cotton shifts, 2 dowlas or Osnaburg petticoats, 1 pair of scissars.
Household Furniture.	All.	One tin pan or pannikin annually, 1 blanket every 2 years, 1 iron pot every 3 years or oftener if necessary, and bedstead as above.
TRINIDAD.	.....	The same provisions as in Mauritius.

		Cape of Good Hope.	.....	Such food, clothing, lodging, and other maintenance and allowances, as by the laws of the Colony on the 30*th of Nov.*, 1832, an owner was required to supply to slaves of the same age and sex. And special justices are authorized to substitute clothing in the same manner as the protectors of slaves. The specific provisions of this Colony are not known.
		St. Lucia.		
		Weekly Rations.	Above 10 years of age.	The same allowance as in the Slave Order in Council of 2nd Nov., 1831, or in lieu thereof *four pots* of manioc flour or farine, and 2½ lbs. of salt fish, or fresh or salt meat.
		Provision Grounds.	Under 10	One half of the above allowance. The same as in Slave Order in Council of 2nd Nov., 1831.
		Yearly Clothing.	Males above 15 years.	One hat of chip, straw, felt, or other more durable material, or 1 Kilmarnock cap, 1 cloth jacket, or blue baize, or pennistone frock or seaman's shirt, 2 cotton or linen check shirts, 2 pair Osnaburg trousers, and 1 blanket.
			Females above 13 yrs.	One chip or straw hat, or 2 check cotton handkerchiefs, 1 blue baize or pennistone frock or wrapper, 2 cotton or linen check shifts, 2 Osnaburg petticoats, 1 blanket, and 1 pair of scissars.
			Males under 15 years.	One hat or cap as aforesaid, 1 jacket, or frock or seaman's shirt as aforesaid, 1 shirt as aforesaid, 1 pair of trousers as aforesaid.
			Females under 13 yrs.	One hat or 2 handkerchiefs as aforesaid, 1 frock or wrapper as aforesaid, 1 shift, and 1 petticoat as aforesaid.
		Household Furniture.	.....	A bedstead for each apprentice as per Slave Order in Council of 2nd November, 1831.
		Honduras.	.....	The specific provisions of this Colony are not known; but they are understood to be the same as the former slave allowances.

NOTES AND OBSERVATIONS ON THE ABOVE TABLE.

British Guiana.—The food of apprentices in this Colony is to a very great extent farinaceous; from which it will be seen, that the weekly rations of the apprentices generally have been reduced below *one-half* of the allowance in slavery; and that apprentices between the ages of ten and twelve years have been further abridged of one half of this reduced allowance. A *specified* quantity of provision ground which was enjoyed under the slave law has been, moreover, exchanged for the uncertain allowance of a "*sufficiency*." It may be difficult to ascertain the respective values of other articles substituted by the apprenticeship ordinances; but it is observable that *shoes*, an article much required in digging dykes, &c. are wholly withdrawn.

Mauritius.—In this Colony, the farinaceous food is reduced considerably below *one-half*; and in the case of wheat and rye, much below *one-third* of the slave allowance. Rice, however, is the principal food of the negroes in this Colony, and this article is allowed in the same proportion only, as wheat and flour. And the time allowed for cultivation of provision grounds is also greatly reduced. The respective values of articles of clothing which vary have not been ascertained.

Trinidad.—The allowances of this Colony being the same as those of the Mauritius, similar observations apply.

Cape of Good Hope.—The specific allowances of this Colony are not ascertained; nor does it appear, whether the law in force in November, 1832, corresponded with the law in force in August, 1833, as required by the Imperial Act. The effect of this ordinance on free children is noticed elsewhere.

St. Lucia.—The quantity contained in a pot of manioc, &c. not appearing, no comparison can now be made with the slave allowance.

Honduras.—The specific provisions of this Colony are not known; but they are secured by no legal sanctions, and rest wholly upon an "understanding" with the employers.

(B.)

TABULAR VIEW OF WEEKLY RATIONS FOR APPRENTICES IN THE CHARTERED COLONIES, AS COMPARED WITH THE WEEKLY PRISON ALLOWANCE OF FELON SLAVES IN JAMAICA.

PRISON ALLOWANCE OF SLAVES IN JAMAICA.	By an Act passed in this Colony, in the year 1831, and entitled "An Act for the Government of Slaves." All slaves confined in workhouses or gaols, were entitled to a weekly allowance of 14 *pints of unground Guinea or Indian corn, or* 21 *pints of wheat flour, or* 56 *full grown plantains, or* 56 *lbs. of cocoas or yams, and seven herrings or shads, or other salted provisions equal thereto.*			
APPRENTICESHIP ALLOWANCES in the following Colonies, declared to be adequate by Orders in Council.	AGE, &c.	FARINACEOUS FOOD.	ESCULENT ROOTS.	SALTED FOOD, MEAT AND FISH.
JAMAICA		No specific allowances are granted to apprentices in this Colony. But the employers are required under the Abolition Act to make "good and ample provision" for them.		
BARBADOES	Above 10 years. Under 10.	*Ten pints* of Guinea or Indian corn, or One half of the above allowance.	30 lbs. of plantains, potatoes, yams or eddoes, and	Two lbs. of cod fish, or herrings, shads, or other pickled fish, or other salted provisions equal thereto. In times of scarcity, the Governor may substitute *any other* provisions for the *whole* of the apprenticeship allowances.
NEVIS		*Nine pints* of Indian or Guinea corn, or beans, or *eight pints* of peas, or *wheat, or rye-flour*, or Indian corn meal, or *nine pints* of oatmeal, or *seven pints* of rice, or *eight pints* of Cassava flour or farine, or *eight* lbs. of biscuit, or	20 lbs. of yams or potatoes, or 16 lbs. of eddoes or tanyahs, or 30 lbs. of plantains or bananas, and	One and a quarter pound of herrings, shads, mackerel, or other salted provisions, or two and a half of *fresh fish*, or other fresh provisions: provided, that during the manufacture of sugar, the employer may reduce the whole apprenticeship allowances to four-fifths.
ST. CHRISTOPHER'S		The same allowances as in Nevis: but the Employer may apportion the whole quantity among the Negroes as he pleases.		
MONTSERRAT		The same allowances as in Nevis.		
DOMINICA		The same allowances as in Nevis.		
TORTOLA	Above 12 years. Under 12.	*Six pints* of corn, beans or peas, or *six pints* of Indian corn meal, or *four pints* of oatmeal, or *four pints of rice*, or *four pints* of wheat or rye flour, or *six lbs.* of Cassava bread or *farine*, or *biscuit*, or Such sufficient food as the employers shall think proper, and for the sick and aged, such allowances as shall be thought necessary.	20 lbs. of yams, potatoes, or other esculent roots, or 15 lbs. of plantains or bananas, and	Two lbs. of salted provisions or four lbs. of fresh fish.
ST. VINCENT		No farinaceous food appears to be allowed in this Colony,	Nor esculent roots, but provision ground in lieu thereof, and	Two lbs. of salted fish or some equivalent.
GRENADA		No specific provisions are made in this Colony, but employers are required to supply provision ground; and in default of provision ground to make "ample provision" by "*some other ways and means.*" And		Two lbs. of salt fish, and one pint of salt or other equivalent provisions.
TOBAGO	Above 10 years. Under 10.	Fourteen pints of corn meal, or *ten pints of rice or flour*, or One half of the above allowance.	20 lbs. of yams, or 25 lbs. of sweet potatoes, or 30 lbs. of full grown plantains, or otherwise provision grounds and,	Two lbs. of salt fish, or other equivalent provision, or other food, as the age and state of health may require.
BAHAMAS	Above 10 years. Under 10.	*One peck* of unground Indian or Guinea corn, or 21 pints of wheat flour, or 14 pints of rice, or One half of the above allowance. And domestics are to be fed in like manner, or a proper equivalent substituted.	56 lbs. of potatoes, cocoas, or yams.	

From this Table it will appear, that the allowance of *farinaceous* food in Tortola is less than one half of the prison allowance of Jamaica under the slave law, in respect of corn, and than one-fifth in respect of flour; and in Nevis, St. Christopher's, Montserrat, and Dominica, it is little more than one half of either corn or flour. In Barbadoes it is little more than two-thirds of corn. In Barbadoes, Tortola, Tobago, Bahamas, the allowance is further reduced one half below the ages of ten or twelve years.

With regard to *esculent* food, the exact amount of reduction is less easily ascertained, the quantity being now determined by *weight*, instead of by *numbers*; but it is worthy of remark, that the weight now allowed includes, in the case of plantains, both rind and stem, leaving only one-third of the whole as actual food. It should be observed, that in *Jamaica* and the *Bahamas*, no *salt* or *salted* food (an essential aliment) is allowed. It might be urged, that in the Bahamas salt may be procured from the pits at pleasure; but since the Abolition Act, this would be felony, if without permission. It must, likewise, be remembered, that the "customary indulgences," which, in some degree, compensated for inadequate legal allowances under the old system, are now denied as a matter of right, and in many cases are actually withdrawn; and that the children of apprenticed parents, not being themselves apprentices, are by Law excluded from the benefit of these provisions altogether.

APPENDIX A.

Extracts from the Imperial Act, entituled, "An Act for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the Persons hitherto entitled to the Services of such Slaves." [28th August, 1833. 3rd & 4th Geo. IV. cap. 73.]

WHEREAS divers persons are holden in Slavery within divers of His Majesty's Colonies, and it is just and expedient that all such persons should be manumitted and set free, and that a reasonable compensation should be made to the persons hitherto entitled to the services of such slaves for the loss which they will incur by being deprived of their right to such services: and whereas, it is also expedient that provision should be made for promoting the industry, and securing the good conduct of the persons so to be manumitted, for a limited period after such their manumission: and whereas, it is necessary that the laws now in force in the said several Colonies should forthwith be adapted to the new state and relations of society therein, which will follow upon such general manumission as aforesaid of the slaves; and that, in order to afford the necessary time for such adaptation of the said laws, a short interval should elapse before such manumission should take effect: be it, therefore, enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of August, one thousand eight hundred and thirty-four, all persons who, in conformity with the laws now in force in the said Colonies respectively, shall on or before the first day of August, one thousand eight hundred and thirty-four, have been duly registered as slaves in any such Colony, and who, on the said first day of August, one thousand eight hundred and thirty-four, shall be actually within any such Colony, and who shall by such registries appear to be on the said first day of August, one thousand eight hundred and thirty-four, of the full age of six years or upwards, shall, by force and virtue of this Act, and without the previous execution of any indenture of apprenticeship, or other deed or instrument for that purpose, become and be apprenticed labourers; provided that, for the purposes aforesaid, every slave engaged in his ordinary occupation on the seas, shall be deemed and taken to be within the Colony to which such slave shall belong.

2. And be it further enacted, That during the continuance of the apprenticeship of any such apprenticed labourer, such person or persons shall be entitled to the services of such apprenticed labourer, as would for the time being, have been entitled to his or her services as a slave, if this Act had not been made.

3. Provided also, and be it further enacted, That all slaves, who may, at any time previous to the passing of this Act, have been brought with the consent of their possessors, and all apprenticed labourer who may hereafter, with the like consent, be brought into any part of the United Kingdom of Great Britain and Ireland, shall, from and after the passing of this Act, be absolutely and entirely free to all intents and purposes whatsoever.

4. And whereas, it is expedient, That all such apprenticed labourers should, for the purposes herein-after mentioned, be divided into three distinct classes, the first of such classes, consisting of prædial apprenticed labourers attached to the soil, and comprising all persons, who, in their state of slavery, were usually employed in agriculture, or in the manufacture of Colonial produce or otherwise,

upon lands belonging to their owners; the second of such classes, consisting of prædial apprenticed labourers not attached to the soil, and comprising all persons, who, in their state of slavery, were usually employed in agriculture, or in the manufacture of Colonial produce or otherwise, upon lands not belonging to their owners; and the third of such classes, consisting of non-prædial apprenticed labourers, and comprising all apprenticed labourers not included within either of the two preceding classes: be it, therefore, enacted, that such division as aforesaid, of the said apprenticed labourers into such classes, as aforesaid, shall be carried into effect, in such manner and form, and subject to such rules and regulations as shall for that purpose be established under such authority, and in and by such Acts of Assembly, ordinances, or orders in council, as herein after mentioned: provided always, that no person of the age of twelve years and upwards shall by or by virtue of any such Act of Assembly, ordinances, or order in council be included in either of the said two classes of prædial apprenticed labourers, unless such person shall, for twelve calendar months, at the least, next before the passing of this present Act, have been habitually employed in agriculture or in the manufacture of Colonial produce.

5. And be it further enacted, that no person, who, by virtue of this Act, or of any such Act of Assembly, Ordinance, or Order in Council, as aforesaid, shall become a prædial apprenticed labour, whether attached or not attached to the soil, shall continue in such apprenticeship beyond the first day of August, one thousand eight hundred and forty; and that, during such his or her apprenticeship no such prædial apprenticed labourer, whether attached or not attached to the soil, shall be bound or liable, by virtue of such apprenticeship, to perform any labour in the service of his or her employer or employers for more than forty-five hours, in the whole, in any one week.

6. And be it further enacted, that no person, who, by virtue of this Act or of any such Act of Assembly, Ordinance, or Order in Council, as aforesaid, shall become a non-prædial apprenticed labourer, shall continue in such apprenticeship beyond the first day of August, one thousand eight hundred and thirty-eight.

7. And be it further enacted, That if before any such apprenticeship shall have expired, the person or persons entitled for and during the remainder of any such term to the services of such apprenticed labourer, shall be desirous to discharge him or her from such apprenticeship, it shall be lawful for such person or persons so to do by any deed or instrument to be by him, her, or them, for that purpose made and executed; which deed or instrument shall be in such form, and shall be executed and recorded in such manner, and with such solemnities, as shall for that purpose be prescribed under such authority, and in and by such Acts of Assembly, Ordinances, or Orders in Council, as herein-after mentioned: provided nevertheless, that if any person so discharged from any such apprenticeship by any such voluntary act, as aforesaid, shall, at that time, be of the age of fifty years or upwards, or shall be then labouring under any such disease, or mental, or bodily infirmity, as may render him or her incapable of earning his or her subsistence, then, and in every such case, the person or persons so discharging any such apprenticed labourer, as aforesaid, shall continue and be liable to provide for the support and maintenance of such apprenticed labourer during the remaining term of such original apprenticeship, as fully as if such apprenticed labourer had not been discharged therefrom.

8. And be it further enacted, that it shall be lawful for any such apprenticed labourer to purchase his or her discharge from such apprenticeship, even without the consent, or in opposition, if necessary, to the will of the person or persons entitled to his or her services, upon payment to such person or persons of the appraised value of such services; which appraisement shall be effected, and which purchase money shall be paid and applied, and which discharge shall be given and executed, in such manner and form, and upon, under, and subject to such conditions, as shall be prescribed under such authority, and by such Acts of Assembly, Ordinances, or Orders in Council, as are herein-after mentioned.

9. And be it further enacted, That no apprenticed labourer shall be subject or liable to be removed from the Colony to which he or she may belong; and that no prædial apprenticed labourer who may, in manner aforesaid, become attached to the soil, shall become subject or liable to perform any labour in the service of his or her employer or employers, except upon, or in, or about the works and

business of the plantations or estates to which such prædial apprenticed labourer shall have been attached, or on which he or she shall have been usually employed on, or previously to the said first day of August, one thousand eight hundred and thirty-four: Provided nevertheless, that with the consent in writing of any two or more justices of the peace, holding such special commission as herein-after mentioned, it shall be lawful for the person or persons entitled to the services of any such attached apprenticed labourer or labourers to transfer his or their services to any other estate or plantation, within the same Colony, to such person or persons belonging; which written consent shall in no case be given, or be of any validity, unless any such justices of the peace, shall first have ascertained that such transfer would not have the effect of separating any such attached prædial apprenticed labourer from his or her wife or husband, parent or child, or from any person or persons reputed to bear such relation to him or her, and that such transfer would not probably be injurious to the health or welfare of such attached prædial apprenticed labourer; and such written consent to any such removal shall be expressed in such terms, and shall be in each case given, attested, and recorded in such manner, as shall for that purpose be prescribed under such authority, and by such Acts of Assembly, Ordinances, and Orders in Council, as herein-after mentioned.

10. And be it further enacted and declared, That the right or interest of any employer or employers to and in the services of any such apprenticed labourers, as aforesaid, shall pass and be transferable by bargain and sale, contract, deed, conveyance, will, or descent, according to such rules, and in such manner, as shall for that purpose be provided by any such Acts of Assembly, Ordinances, Orders in Council as herein-after mentioned; provided that no such apprenticed labourer shall, by virtue of any such bargain and sale, contract, deed, conveyance, will, or descent, be subject or liable to be separated from his or her wife or husband, parent or child, or from any person or persons reputed to bear any such relation to him or her.

11. And be it further enacted, That during the continuance of any such apprenticeship, as aforesaid, the person or persons, for the time being, entitled to the services of every such apprenticed labourer, shall be, and is, and are hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance, and such other maintenance and allowances, as by any law now in force in the Colony to which such apprenticed labourer may belong, an owner is required to supply to and for any slave, being of the same age and sex, as such apprenticed labourer shall be; and in cases in which the food of any such prædial apprenticed labourer should be supplied, not by the delivery to him or her of provisions, but by the cultivation, by such prædial apprenticed labourer, of ground set apart for the growth of provisions, the person or persons entitled to his or her services shall, and is, or are hereby required to provide such prædial apprenticed labourer with ground adequate, both in quantity and quality, for his or her support, and within a reasonable distance of his or her usual place of abode, and to allow to such prædial apprenticed labourer, from and out of the annual time during which he or she may be required to labour, after the rate of forty-five hours per week, as aforesaid, in the service of such his or her employer or employers, such a portion of time as shall be adequate for the proper cultivation of such ground, and for the raising and securing the crops thereon grown; the actual extent of which ground, and the distance thereof from the place of residence of the prædial apprenticed labourer for whose use it may be so allotted, and the length of time to be deducted for the cultivation of the said ground, of the said annual time, shall and may, in each of the Colonies, aforesaid, be regulated under such authorities, and by such Acts of Assembly, Ordinances, or Orders in Council, as herein-after mentioned.

12. And be it further enacted, That, subject to the obligations imposed by this Act, or to be imposed by any such Act of General Assembly, Ordinance, or Order in Council, as herein-after mentioned, upon such apprenticed labourers, as aforesaid, all and every the persons, who on the said first day of August, one thousand eight hundred and thirty-four, shall be holden in slavery within any such British Colony, as aforesaid, shall upon, and from, and after the said first day of August, one thousand eight hundred and thirty-four, become, and be to all intents and purposes free and discharged of and from all manner of slavery, and shall be absolutely,

and for ever manumitted; and that the children thereafter to be born to any such persons, and the offspring of such children, shall in like manner be free from their birth; and, that from and after the said first day of August, one thousand eight hundred and thirty-four, slavery shall be, and is hereby utterly and for ever abolished, and declared unlawful throughout the British Colonies, plantations, and possessions abroad.

13. And whereas, it may happen that children, who have not attained the age of six years on the said first day of August, one thousand eight hundred and thirty-four, or that children, who after that day may be born to any female apprenticed labourers, may not be properly supported by their parents, and that no other person may be disposed voluntarily to undertake the support of such children; and it is necessary that provision should be made for the maintenance of such children in any such contingency; be it therefore enacted, that if any child, who, on the said first day of August, one thousand eight hundred and thirty-four, had not completed his or her sixth year, or if any child, to which any female apprenticed labourer may give birth on or after the said first day of August, one thousand eight hundred and thirty-four, shall be brought before any justice of the peace holding any such special commission as herein-after mentioned, and if it shall be made to appear to the satisfaction of such justice, that any such child is unprovided with any adequate maintenance, and that such child hath not completed his or her age of twelve years, it shall be lawful for such justice, and he is hereby required, on behalf of any such child, to execute an indenture of apprenticeship, thereby binding such child as an apprenticed labourer to the person or persons entitled to the services of the mother of such child, or who had been last entitled to the services of such mother; but, in case it shall be made to appear to any such justice, that such person or persons aforesaid is or are unable, or unfit to enter into such indenture, and properly to perform the conditions thereof, then it shall be lawful for such justice, and he is hereby required by such indenture to bind any such child to any other person or persons to be, by him, for that purpose approved, and who may be willing and able properly to perform such conditions; and it shall by every such indenture of apprenticeship be declared whether such child shall thenceforward belong to the class of attached prædial apprenticed labourers, or to the class of unattached prædial apprenticed labourers, or to the class of non-prædial apprenticed labourers; and the term of such apprenticeship of any such child shall, by such indenture, be limited and made to continue in force until such child shall have completed his or her twenty-first year, and no longer; and every child so apprenticed, as aforesaid, by the order of any such justice of the peace, as aforesaid, shall, during his or her apprenticeship, be subject to all such, and the same rules and regulations respecting the work or labour to be by them done or performed, and respecting the food and other supplies to be to him or her furnished, as any other such apprenticed labourers, as aforesaid: provided always, that the said indenture of apprenticeship shall contain sufficient words of obligation upon the employer to allow reasonable time and opportunity for the education and religious instruction of such child.

14. And for ensuring the effectual superintendence of the said apprenticed labourers, and the execution of this Act, be it enacted, That it shall and may be lawful for His Majesty to issue, or to authorize the governor of any such Colony, as aforesaid, in the name and on the behalf of His Majesty, to issue under the public seal of any such Colony, one or more special commission or commissions to any one or more person or persons, constituting him or them a justice or justices of the peace for the whole of any such Colony, or for any parish, precinct, quarter, or other district within the same, for the special purpose of giving effect to this present Act, and to any laws which may, in manner herein-after mentioned, be made for giving more complete effect to the same; and every person to or in favour of whom any such commission may be issued, shall, by force and virtue thereof, and without any other qualification, be entitled and competent to act as a justice of the peace within the limits prescribed by such his commission for such special purposes aforesaid, but for no other purposes: provided nevertheless, that nothing herein contained shall prevent or be construed to prevent any person commissioned as a justice of the peace, for such special purpose, as aforesaid, from being included in the general commission of the peace for any such Colony,

or for any parish, precinct, quarter, or any other district thereof, in case it shall seem fit to His Majesty, or to the governor of any such Colony acting by His Majesty's authority, to address both such special commission, and such general commission, as aforesaid, in any case to the same person or persons.

15. And be it further enacted, That His Majesty shall be, and he is hereby authorized to grant to any person or persons, not exceeding one hundred in the whole, holding any such special commission or commissions, as aforesaid, and so from time to time, as vacancies may occur, salaries at and after a rate not exceeding, in any case, the sum of three hundred pounds sterling per annum, which salary shall be payable so long only as any such justice of the peace shall retain any such special commission, and shall be actually resident in such Colony, and engaged in the discharge of the duties of such his office; provided, that no person receiving or entitled to receive any half pay, pension, or allowance for or in respect of any past services in His Majesty's naval or land forces shall, by the acceptance of any such special commission or salary, as aforesaid, forfeit or become incapable of receiving or lose his right to receive such half pay, pension, or allowance, or any part thereof, any law, statute, or usage to the contrary in anywise notwithstanding: provided also, that there be annually laid before both Houses of Parliament, a list of the names of all persons to whom any such salary shall be so granted, specifying the date of every such commission, and the amount of the salary assigned to every such justice of the peace.

16. And whereas, it is necessary that various rules and regulations should be framed and established for ascertaining, with reference to each apprenticed labourer within the said Colonies respectively, whether he or she belongs to the class of attached prædial apprenticed labourers, or to the class of unattached apprenticed labourers, or to the class of non-prædial apprenticed labourers, and for determining the manner and form in which, and the solemnities with which the voluntary discharge of any apprenticed labourer from such his or her apprenticeship may be effected, and for prescribing the form and manner in which, and the solemnities with which the purchase, by any such apprenticed labourer, or his or her discharge from such apprenticeship without, or in opposition, if necessary, to the consent of the person or persons entitled to his or her services, shall be effected, and how the necessary appraisement of the future value of such services shall be made, and how and to whom the amount of such appraisement shall in each case be paid and applied, and in what manner and form, and by whom the discharge from any such apprenticeship shall thereupon be given, executed, and recorded; and it is also necessary, for the preservation of peace throughout the said Colonies, that proper regulations should be framed and established, for the maintenance of order and good discipline amongst the said apprenticed labourers, and for ensuring the punctual discharge of the services due by them to their respective employers, and for the prevention and punishment of indolence, or the neglect or improper performance of work by any such apprenticed labourer, and for enforcing the due performance by any such apprenticed labourer of any contract into which he or she may voluntarily enter, for any hired service during the time in which he or she may not be bound to labour for his or her employer, and for the prevention and punishment of insolence and insubordination, on the part of any such apprenticed labourers towards their employers, and for the prevention or punishment of vagrancy, or of any conduct on the part of any such apprenticed labourers injuring or tending to the injury of the property of any such employer, and for the suppression and punishment of any riot or combined resistance of the laws on the part of any such apprenticed labourers, and for preventing the escape of any such apprenticed labourers, during their term of apprenticeship, from the Colonies to which they may respectively belong: and whereas, it will also be necessary for the protection of such apprenticed labourers, as aforesaid, that various regulations should be framed and established in the said respective Colonies, for securing punctuality and method in the supply, to them, of such food, clothing, lodging, medicines, medical attendance, and such other maintenance and allowances as they are hereinbefore declared entitled to receive, and for regulating the amount and quality of all such articles, in cases where the laws at present existing in any such Colony may not in the case of slaves have made any regulation, or any adequate regulation for that purpose; and it is also necessary, that proper rules should be established for

the prevention and punishment of any frauds which might be practised, or of any omissions or neglects which might occur, respecting the quantity or the quality of the supplies so to be furnished, or respecting the periods for the delivery of the same: And whereas, it is necessary, in those cases in which the food of any such prædial apprenticed labourers, as aforesaid, may either wholly or in part be raised by themselves, by the cultivation of ground to be set apart and allotted for that purpose, that proper regulations should be made and established as to the extent of such grounds, and as to the distance at which such grounds may be so allotted from the ordinary place of abode of such prædial apprenticed labourers, and respecting the deduction to be made for the cultivation of such grounds from the annual time during which such prædial apprenticed labourers are hereinbefore declared liable to labour: And whereas, it may also be necessary, by such regulations, as aforesaid, to secure to the said prædial apprenticed labourers the enjoyment, for their own benefit, of that portion of their time during which they are not hereby required to labour in the service of their respective employers, and for securing exactness in the computation of the time during which such prædial apprenticed labourers are hereby required to labour in the service of such their respective employers; and it is also necessary, that provision should be made for preventing the imposition of task-work on any such apprenticed labourer without his or her free consent to undertake the same; but may be necessary, by such regulations in certain cases to require and provide for the acquiescence of the minority of the prædial apprenticed labourers attached to any estate, in the distribution and apportionment, amongst the whole body of such labourers, of any task-work, which the majority of such body shall be willing and desirous collectively to undertake; and it is also necessary, that regulations should be made respecting any voluntary contracts into which any apprenticed labourers may enter with their respective employers, or with any other person for hired service for any future period, and for limiting the greatest period of time to which such voluntary contract may extend, and for enforcing the punctual and effectual performance of such voluntary contracts on the part, both of such apprenticed labourers, and of the person or persons engaging for their employment or hire; and it is also necessary, that regulations should be made for the prevention or punishment of any cruelty, injustice, or other wrong or injury which may be done to, or inflicted upon any such apprenticed labourers, by the persons entitled to their services; and it is also necessary, that proper regulations should be made respecting the manner and form in which such indentures of apprenticeship, as aforesaid, shall be made on behalf of such children, as aforesaid, and respecting the registering and preservation of all such indentures: and whereas, it is also necessary, that provision should be made for ensuring promptitude and dispatch, and for preventing all unnecessary expense, in the discharge, by the justices of the peace holding such special commission, as aforesaid, of the jurisdiction and authorities thereby committed to them, and for enabling such justices to decide, in a summary way, such questions as may be brought before them in that capacity, and for the division of the said respective Colonies into districts for the purposes of such jurisdiction, and for the frequent and punctual visitation, by such justices of the peace, of the apprenticed labourers within such their respective districts; and it is also necessary, that regulations should be made for indemnifying and protecting such justices of the peace in the upright execution and discharge of their duties: and whereas, such regulations, as aforesaid, could not, without great inconvenience, be made, except by the respective governors, councils, and assemblies, or other legislatures of the said respective Colonies, or by His Majesty, with the advice of his privy council, in reference to those Colonies to which the Legislative authority of His Majesty in council extends; be it therefore enacted and declared, that nothing in this Act contained extends, or shall be construed, to extend to prevent the enactment, by the respective governors, councils, and assemblies, or by such other local Legislatures, as aforesaid, or by His Majesty, with the advice of his privy council, of any such Acts of General Assembly, or ordinances, or orders in council, as may be requisite for making and establishing such several rules and regulations, as aforesaid, or any of them, or for carrying the same, or any of them, into full and complete effect: provided nevertheless, that it shall not be lawful for any such governor, council, and assembly, or for any such local Legislature, or for His Majesty in council, by any such Acts of Assembly,

Ordinances, or Orders in Council, as aforesaid, to make or establish any enactment, regulation, provision, rule, or order which shall be in anywise repugnant or contradictory to this present Act or any part thereof; but that every such enactment, regulation, provision, rule, or order shall be, and is hereby declared to be absolutely null and void, and of no effect.

17. Provided also, and be it further enacted, That it shall not be lawful for any such governor, council, and assembly, or other Colonial Legislature, or for His Majesty in Council, by any such Act, Ordinance, or Order in Council, to authorize any person or persons entitled to the services of any such apprenticed labourer, or any person or persons other than such justices of peace holding such special commissions as aforesaid, to punish any such apprenticed labourer for any offence by him or her committed, or alledged to have been committed by the whipping, beating, or imprisonment of his or her person, or by any other personal or other correction or punishment whatsoever, or by any addition to the hours of labour hereinbefore limited; nor to authorize any court, judge, or justice of the peace to punish any such apprenticed labourer, being a female, for any offence by her committed, by whipping or beating her person; and that every enactment, regulation, provision, rule, or order for any such purpose in any such Act, Ordinance, or Order in Council contained shall be and is hereby declared to be absolutely null and void and of no effect: Provided always, that nothing in this Act contained doth or shall extend to exempt any apprenticed labourer in any of the said Colonies from the operation of any law or police regulation which is or shall be in force therein for the prevention or punishment of any offence, such law or police regulation being in force against and applicable to all other persons of free condition.

18. Provided also, and be it further enacted, That it shall not be lawful for any such governor, council, and assembly, or for any such local legislature, or for His Majesty in Council, by any such acts of general assembly, Ordinances, or Orders in Council as aforesaid, to authorize any magistrate or justice of the peace holding such special commissions as aforesaid, to take cognizance of any offence committed or alleged to have been committed by any such apprenticed labourer, or by his or her employer, in such their relation to each other, or of the breach, violation, or neglect of any of the obligations owed by them to each other, or of any question, matter, or thing incident to or arising out of the relations subsisting between such apprenticed labourers and persons respectively entitled to their services; and every enactment, regulation, provision, rule, or order in any such Acts, Ordinances, and Orders in Council to the contrary contained shall be and is hereby declared to be null and void and of no effect.

19. And it is hereby further declared and enacted, That the several justices of the peace having special commissions as aforesaid, shall, within the respective Colonies to which they shall be respectively appointed, have, exercise, and enjoy a sole and exclusive jurisdiction over, and shall solely and exclusively take cognizance of, all such offences or alleged offences as last aforesaid, and of every such breach, violation, or neglect of any of the aforesaid obligations, and of every such question, matter, or thing as aforesaid, any law, custom, or usage in any of the said Colonies to the contrary in anywise notwithstanding: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to abrogate or take away the powers by law vested in the supreme courts of record, or the superior courts of civil and criminal Justice in any of the said repective Colonies.

20. Provided also, and be it further enacted, That no apprenticed labourer shall, by any such Act of Assembly, Ordinance, or Order in Council as aforesaid, be declared or rendered liable for and in respect of any offence by him or her committed, or for any cause or upon any ground or pretext whatsoever, except as hereafter is mentioned, to any prolongation of his or her term of apprenticeship, or to any new or additional apprenticeship, or to any such additional labour as shall impose upon any such apprenticed labourer the obligation of working in the service or for the benefit of the person or persons entitled to his or her services for more than fifteen extra hours in the whole in any one week, but every such enactment, regulation, provision, rule, or order shall be and is hereby declared null and void and of no effect: Provided nevertheless, that any such Act of Assembly, Ordinance, or Order in Council as aforesaid, may contain provision,

for compelling any apprenticed labourer who shall, during his or her apprenticeship, wilfully absent himself or herself from the service of his or her employers either to serve his or her employer after the expiration of his or her apprenticeship, for so long a time as he or she shall have so absented himself or herself from such service, or to make satisfaction to his or her employer for the loss sustained by such absence, (except so far as he or she shall have made satisfaction for such absence, either out of such extra hours as aforesaid, or otherwise,) but nevertheless so that such extra service or compensation shall not be compellable after the expiration of seven years next after the termination of the apprenticeship of such apprentice.

21. Provided always, and be it hereby further enacted, That neither under the provisions of this Act, nor under the obligations imposed by this Act, or to be imposed by any act of any general assembly, Ordinance, or Order in Council, shall any apprenticed labourer be compelled or compellable to labour on Sundays, except in works of necessity or in domestic Services, or in the protection of property, or in tending of cattle, nor shall any apprenticed labourer be liable to be hindered or prevented from attending anywhere on Sundays for religious worship, at his or her free will or pleasure, but shall be at full liberty so to do without any let, denial, or interruption whatsoever.

22. And whereas it may be expedient that persons in the condition of apprenticed labourers should, during the continuance of such their apprenticeship, be exempted from the performance of certain civil and military services, and be disqualified from holding certain civil and military offices, and from the enjoyment of certain political franchises, within the said Colonies, and be exempted from being arrested or imprisoned for debt; be it therefore enacted, That nothing in this Act contained extends or shall be construed to extend to interfere with or prevent the enactment by the respective governors, councils, and assemblies, or by such other local legislature as aforesaid of any such colonies, or by His Majesty in council in reference to such of the said colonies as are subject to the legislative authority of His Majesty in council, of any acts, ordinances, or orders in council for exempting any such apprenticed labourers as aforesaid, during the continuance of such their apprenticeship, from any such civil or military service as aforesaid, or for disqualifying them or any of them during the continuance of any such apprenticeships from the enjoyment or discharge of any such political franchise as aforesaid, or for exempting them during the continuance of such apprenticeships from being arrested or imprisoned for debt.

23. And whereas it would be desirable that such of the provisions of this Act as relate to the internal concerns of the said respective colonies should be enacted in such respective colonies so far as may be possible by the authority of the several local legislatures of such colonies respectively; be it therefore enacted, That in case the governor, council, and assembly of any one or more of His Majesty's colonies aforesaid, shall, by any act or acts of general assembly for that purpose made, substitute for the several enactments herein-before contained, or any of them, any enactments accomplishing the several objects in such herein-before contained enactments respectively contemplated as fully and to the like effect, but in a manner and form better adapted to the local circumstances of any such colonies or colony, and in case His Majesty shall, by any order or orders to be by him made, by the advice of his Privy Council, confirm and allow any such act or acts of assembly, and shall in and by any such order or orders in council recite and set forth at length the several provisions and enactments of this present act for which such other enactments as aforesaid shall have been substituted by any such act or acts of general assembly, then and in such case so much and in such parts of this present act as shall be so recited and set forth at length in any such order or orders of His Majesty in council shall be suspended and cease to be of any force or effect in any such colony from and after the arrival and proclamation therein of any such order or orders of His Majesty in council, and shall continue to be so suspended so long as any such substituted enactments shall continue in force and unrepealed, and no longer.

24. And whereas, towards compensating the persons at present entitled to the services of the slaves to be manumitted and set free by virtue of this act for the loss of such services, His Majesty's most dutiful and loyal subjects the Commons of Great Britain and Ireland in Parliament assembled have resolved to give

and grant to His Majesty the sum of twenty millions pounds sterling; be it enacted, That the lords commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland may raise such sum or sums of money as shall be required from time to time under the provisions of this act, and may grant as the consideration for such sum or sums of money redeemable perpetual annuities or annuities for terms of years (which said annuities respectively shall be transferable and payable at the Bank of England), upon such terms and conditions and under such regulations as to the time or times of paying the said sums of money agreed to be raised as may be determined upon by the said Commissioners of the Treasury, not exceeding in the whole the sum of twenty millions pounds sterling; Provided nevertheless, that the rate of interest at which the said sums of money shall be from time to time raised shall be regulated and governed by the price of the respective redeemable perpetual annuities or annuities for terms of years on the day preceding (or on the nearest preceding day if it shall so happen that there shall be no price of such said annuities respectively on the day immediately preceding) the day of giving notice for raising such sum or sums of money, and that the rate of interest to be allowed to the contributors for such sum or sums of money shall in no case exceed five shillings per centum per annum above the current rate of interest produced by the market price of any such redeemable perpetual annuities or annuities for terms of years existing at the time, and in which such contracts shall be made.

* * * *

44. And be it further enacted, That no part of the said sum of twenty millions of pounds sterling shall be applied or shall be applicable to the purposes aforesaid, for the benefit of any person now entitled to the services of any slave in any of the Colonies aforesaid, unless an order shall have been first made by His Majesty, with the advice of his privy council, declaring that adequate and satisfactory provision hath been made by law, in such Colony, for giving effect to this present Act, by such further and supplementary enactments as aforesaid, nor unless a copy of such order in council, duly certified by one of the clerks in ordinary of His Majesty's privy council, shall, by the lord president of the council, have been transmitted to the lords commissioners of His Majesty's treasury, or to the lord high treasurer for the time being, for their or his guidance and information; and every such order shall be published three several times in the *London Gazette*, and shall be laid before both Houses of Parliament within six weeks next after the date thereof, if Parliament shall be then in session, and if not, within six weeks from the then next ensuing Session of Parliament.

* * * *

46. And be it further enacted, That in case it shall appear to the said commissioners that any persons in respect of whom claims for compensation under the provisions of this Act shall have been made, have been registered and held in slavery in any of the said Colonies, in this Act mentioned, contrary to law, then, and in every such case, the said commissioners shall deduct from the sum to be appropriated as compensation to the proprietors in such Colony, such sums as shall correspond with the estimated value and number of the said persons so illegally registered and held in slavery; and, all such sum or sums which may be deducted as herein-before provided, shall be applied towards defraying the general expenses of the commission to be hereby appointed: Provided always, that for the purpose of ascertaining in what cases such deductions shall be made, every question which shall arise in any such Colony respecting the servile condition of any persons therein registered as slaves, shall be inquired of and determined by the commissioners to be appointed under this Act, according to such rules of legal presumption and evidence as are or shall be established by any law in force, or which shall be in force in any such Colony.

* * * *

58. And be it further enacted, That the several adjudications and awards of the said commissioners, unless duly appealed from within the respective times to be limited by His Majesty in council for that purpose, shall be final and conclusive, and binding upon all persons interested therein or affected thereby; and that the decisions of His Majesty in council, upon any such appeal, shall in like manner be final, binding, and conclusive.

* * * *

62. And whereas in the settlements in the occupation of His Majesty, and of His Majesty's subjects in Honduras, no law is in force for the registration of slaves, and doubts might be entertained respecting the authority of His Majesty, with the advice of his privy council, to make laws binding on His Majesty's subjects therein; be it, therefore, declared and enacted, That it is and shall be lawful for His Majesty, by any order or orders, to be by him for that purpose made, with the advice of his privy council, to establish a registry of slaves for the purposes of this Act, within the said settlement; and all laws made by His Majesty for the government of his said subjects, shall, for the purposes of this Act, be as valid and effectual as any laws made by His Majesty in council, for the government of any Colonies subject to the legislative authority of His Majesty in council are or can be.

63. And be it further enacted, That within the meaning and for the purposes of this Act, every person who for the time being shall be in the lawful administration of the government of any of the said Colonies, shall be taken to be the governor thereof.

64. And be it further enacted, That nothing in this Act contained, doth or shall extend to any of the territories in the possession of the East India Company, or to the Island of Ceylon, or to the island of Saint Helena.

65. And be it further enacted, That in the Colonies of the Cape of Good Hope and Mauritius, the several parts of this Act shall take effect and come into operation, or shall cease to operate and to be in force, as the case may be, at periods more remote than the respective periods herein-before for such purposes limited by the following intervals of time; videlicet, by four calendar months in the Colony of the Cape of Good Hope, and by six calendar months in the Colony of the Mauritius.

66. And be it further enacted and declared, That within the meaning and for the purposes of this Act, all islands and territories dependent upon any of the Colonies aforesaid, and constituting parts of the same Colonial government, shall respectively be taken to be parts of such respective Colonies.

APPENDIX B.

Copy of "The Report of the Select Committee (of the House of Commons) appointed 28th March, 1836, to inquire into the Working of the Apprenticeship System in the Colonies, the Coudition of the Apprentices, and the Laws and Regulations affecting them which have been passed."*

Your Committee commenced their Inquiry by examining the various Enactments, which have been passed in the Colonies by the local Legislatures, affecting the condition of the apprentices, with a view to ascertain the manner in which the intentions of the Imperial Parliament, as expressed in the Act of Emancipa-

* The Committee consisted of the following Members, viz:—

Mr. Labouchere, *Chairman*.

Mr. Fowell Buxton.	Mr. Thornely.
Sir George Grey.	Mr Patrick Stewart.
Mr. O'Connell.	Mr. Charles Lushington.
Mr. Gladstone.	Mr. Oswald.
Mr. Baines.	Sir James Graham.
Mr. Plumptre.*	Lord Viscount Sandon.
Mr. Andrew Johnston.	Lord Viscount Howick.

* Sir Stratford Canning was subsequently appointed in the room of Mr. Plumptre.

tion, have been carried into effect. They soon found, however, that it would be impossible for them to go through the whole subject in a satisfactory manner during the present session, and determined, therefore, to limit their investigation to Jamaica, in which Colony alone, they have obtained evidence sufficiently complete to be fit for them to submit to the House, or to justify them in expressing any opinion. After having attentively considered the objections which had been urged against the Jamaica Acts, your Committee proceeded to obtain such information as was within their reach, on the still more important questions connected with the practical operation and effects of the system of apprenticeship, which might serve to throw light upon the provisions of the Laws which they had previously examined, or enable them to form a judgment of the present condition and future prospects of all classes of the inhabitants of the Colony.

Upon the subject of the Laws, which have been passed in Jamaica, affecting the apprentices, your Committee have examined several gentlemen of the legal profession whose attention had been directed to them. A very full and minute examination of the objections which have been urged against them will be found in the Appendix; especially in the evidence of Mr. Jeremie; a reply to which is contained in that of Mr. Burge, the agent for the Island. With reference to this subject, your Committee would also call your attention to the evidence of Sir George Grey, as affording an important addition to the information which has already been submitted to the House, of the views and conduct of the Colonial office, and of the governor of Jamaica in this respect.

Your Committee are not prepared to express an opinion upon all the points which have been made matter of controversy, some of which appear to rest upon legal difficulties of considerable intricacy. They conceive that they shall best discharge their duty by calling the attention of the House to such questions alone as seem to them to involve substantial and practical consequences, as well as important principles.

The chief objections which have been taken to the Jamaica Laws, which appeared to your Committee to require a more detailed notice, are the following:

1. The want of reciprocity in the amount and application of the penalties inflicted by the authority of the special magistrates on managers and on apprentices.

This objection, as far as regards the application, was noticed by Lord Stanley in a despatch of the 20th February, 1834, commenting on the Jamaica Act, in which the following passage occurs:

"The 49th clause enables the special magistrates to impose fines upon the parties entitled to the services of any apprenticed labourer, for any wrong or injury which he may sustain from such parties."

"The 68th clause directs, that these fines shall be applied to the use of the public of the island. As the Act has provided that the apprentice should compensate by labour the loss which his employer may sustain from indolence, neglect, non-performance of work, or absence, it seems but reasonable that the special magistrate should have the power of compensating, out of the fine, the apprentice for the injury which he may have sustained from his employer; and I think that a clause should be introduced to that effect."

No such clause, however, was introduced into the subsequent Act passed by the Legislature of Jamaica, in pursuance of Lord Stanley's suggestions: and Lord Sligo appears to have concurred in the course adopted by the House of Assembly in reference to that subject.

Your Committee are of opinion, that, in theory at least, the objection is well founded; and they are not aware of any satisfactory reason for the omission of the clause recommended by Lord Stanley. No evidence has, however, been submitted to them of practical evil having arisen from this defect, to warrant any further recommendation on this point.

2. The defective constitution of the tribunal for the valuation of apprentices applying to purchase their freedom.

With reference to this objection, your Committee feel themselves bound to state, that a serious obstacle appears to have arisen to the fair and equitable operation of the process of compulsory manumission. It was clearly the intention of the British Parliament, that the apprentice should by law enjoy the right of having his services appraised at a fair value, at which he should be enabled to purchase his own freedom: nor can your Committee suppose that the intention

of the Jamaica Legislature differed in this respect from that of the British Parliament. They find, however, that undue and excessive valuations are alleged, on official authority, in many instances to have occurred; and they cannot but attribute this evil, in a great measure, to the constitution of the tribunal to which the valuation is by law confided, and which appears to them to give an undue preponderance to Colonial magistrates. Although no valuation can take place in which the special magistrate does not concur, it is equally true, that both or either of the Colonial magistrates may, by adhering to a higher appraisement than that which the special magistrate thinks just, render the proceeding nugatory. They have reason, however, to believe, that the more common effect in such cases has been, that a value has been set upon the services of the apprentice by a compromise between the respective magistrates.

Your Committee find, that this subject has formed the topic of much correspondence between the Secretary of State and the Governor of Jamaica, by whom it was brought, at an early period, under the consideration of the Government. Instructions have, consequently, been at various times addressed to Lord Sligo, with a view to prevent the continuance of this evil; and he has recently been directed to suggest to the Legislature of Jamaica, such an alteration of the Law as is calculated to place the constitution of the tribunal upon a satisfactory footing. Your Committee cannot but express a confident hope, that the Legislature of Jamaica will give a prompt attention to this recommendation, which your Committee conceive that they are bound, by good faith and every consideration of justice, to carry into full effect.

3. The want of adequate protection to the special magistrates against vexatious prosecutions.

To the principle involved in this objection, your Committee attach the utmost importance. They are of opinion, that the beneficial working of the present system, and the full protection of the rights of the apprentices, depend even more upon the administration of the law, than on the provisions of the law itself. They consider it of the greatest consequence, that the independence of the special magistrates, in the discharge of their duty, should be effectually maintained; and that, while they are subject to a vigilant superintendence on the part of the executive government, they should not be exposed to any well-founded apprehension of a want of due protection against vexatious prosecutions.

Two cases have been stated to your Committee, in which actions of trespass have been brought against special magistrates for acts performed in their magisterial capacity, and damages were obtained; which, together with the costs of the action, it would be altogether beyond the means of the defendants to defray. In each case a new trial was expected to take place, and the final decision is not yet ascertained.

Your Committee deem it right to observe, that by an Act passed in Jamaica in 1834, usually termed the Act in Aid, a protection, which was not comprised in the original Act, was afforded to the magistrates. This Act expired at the end of the year 1835, but has been subsequently re-enacted for a period co-extensive with the apprenticeship. The actions referred to were both tried during the interval when this Act was not in force, and its re-enactment may render it improbable that actions of a similar nature will hereafter be brought.

Your Committee have ascertained the intentions of the Government in both of these cases, in the event of the verdicts being ultimately sustained; the result will be, the effectual protection of the individual defendants from the eventual loss; but should there be any repetition of actions against special magistrates, not appearing to rest on a solid foundation, your Committee cannot think that the evil will be fully met by anything short of some Legislative Enactment, which would secure any special magistrate, acting *bonâ fide* in the discharge of his duty, from harassing and vexatious prosecutions. The governor of Jamaica has been directed to bring this subject also under the consideration of the Legislature; and your Committee abstain from any more specific recommendation on this point, in the hope, that the measures already taken for checking the evil may prove adequate to the attainment of the object.

4. It has been urged as an objection against the Jamaica Law, that it contains no enactment to regulate the distribution of the time which the apprentice is bound weekly to give to his employer. The interpretation put upon the Law in

this respect, in Jamaica, negatives the presumption of the legal right on the part of the employer to exact from his apprentice continuous labour to an unreasonable extent, and in practice, nine hours appear to be the utmost amount of labour to which the apprentices in Jamaica are subject in one day by compulsory process. Whatever time they may give to their employer beyond this limit, appears to be by arrangement, and for remuneration mutually agreed upon. It is, however, universally admitted, that, subject to the qualification before adverted to, the employer has the legal right to apportion the hours of labour: the result has been the want of uniformity in the distribution of the legal time. Two systems are prevalent in Jamaica, the one termed the nine-hour system, by which the apprentice works nine hours a day for four days in the week, and four and a half on the fifth day, having the half of the Friday and the whole of Saturday at his own disposal. The other is termed the eight-hour system; by which he works eight hours a day for four days in the week, and eight and a half on the fifth.

From the evidence which your Committee have received on this subject, there appears to be no doubt, that the former system is very generally and decidedly preferred by the apprentices, as it leaves them a larger portion of time free from interruption at their own disposal, for the cultivation of their grounds, or for any other purpose. Your Committee are convinced, that that system must prove most conducive to the interests of the employers which will secure the most cheerful acquiescence on the part of the apprentices; and they cannot but express their hope, that the example which has been set on many of the larger properties, of meeting the wishes of the apprentices on this subject, by an adherence to the nine-hour system, will be generally followed throughout the island.

In connexion with this subject, your Committee would observe, that they have examined into the discontinuance of certain indulgences which were usually granted to the negro when in a state of slavery, and which, it has been urged, are secured to him, in the same manner as other the allowances, by the Imperial Act, during the period of apprenticeship.

Although your Committee do not feel warranted in putting this construction upon the Act, yet they conceive, that it is to be regretted that these indulgences should in any case be withheld, as long as the apprentice works in a proper manner for his employer, during the time which he is bound to give to him: unless indeed, a compensation is given to him by an increased amount of wages for the extra labour which he voluntarily undertakes to perform; a plan which seems to have been adopted by Mr. Shirley upon his estates with equal judgment and humanity. It appears that these indulgences have been very generally continued to the apprentice upon the larger properties.

5. Your Committee have felt it their duty to institute a strict inquiry into the alleged cases of corporal punishment inflicted on female apprentices. They found that this subject had engaged the close attention both of the local Government of Jamaica, and of the Government in this country, and that measures had already been taken to prevent the recurrence of the violation of that most important enactment, contained alike in the Imperial Act for the abolition of slavery, and in the Jamaica Statute, which prohibits the infliction of corporal punishment on female apprentices.

The result of Lord Sligo's inquiry upon this point, led to the discovery of many instances of a practice of this nature, existing for offences against the discipline of the workhouse in the houses of correction in Jamaica, not under the immediate control of the executive government, but subject to local regulations and superintendence. Your Committee are happy to observe, that the legality of this punishment has in no instance been asserted, but that all parties in Jamaica have concurred in its being contrary to the enactment in the Abolition Act before referred to. In several cases prosecutions were instituted against the offenders by order of the governor; in one recent case, the party was convicted, and the illegality of the punishment thereby established. As, however, some doubt has been thrown upon the construction which may be placed on the law in this respect, your Committee are of opinion that it is essential that such doubt should be effectually removed. The attention of the House of Assembly of Jamaica has been directed to the subject, and as they had distinctly recorded their opinion of the illegality of this mode of punishment, your Committee entertain the fullest confidence that they will not fail to take such measures as will prevent the possi-

bility of the continuance of a practice, at once contrary to law, and abhorrent to the best feelings of our nature.

In connexion with this branch of their inquiry, your Committee feel it right to express their opinion, that the practice of working females in chains (of a light description it is true), when in the penal gang, is open to serious objection. Although it may be expedient and even necessary that female apprentices should be sentenced, in some cases, to the penal gang, your Committee consider that the labour and degradation involved in that punishment, would be a sufficient object of terror, without the addition of chains, and that the effect of this addition cannot fail to have an injurious influence on the characters and feelings of individuals. They are of opinion, that in the infliction of punishment, care ought to be taken to avoid anything which needlessly tends to lessen that self respect, which, in the female character especially, it is of the highest importance to maintain, or, when it does not exist, to create.

6. Strong objections have been urged against the present state of the law with regard to marriages, which confines to clergymen of the Church of England the power of solemnizing the marriage ceremony. It appears to your Committee to be of the utmost consequence, in such a state of society as now exists in Jamaica, that all ground for these complaints should be speedily and completely removed. They do not, however, feel it necessary to dilate upon this subject, as they find that the same view of it has been taken by Lord Glenelg, and they concur in the trust expressed by his lordship in his Circular, of the 5th March, 1836, to the governors of the West India Colonies, that the local legislatures, "will promptly and diligently apply themselves to the work of maturing a liberal and comprehensive law, dispelling all doubts respecting the validity of marriages already celebrated by the Missionaries, and removing all obstacles to their solemnizing such contracts hereafter amongst the members of their various congregations."

7. The present condition of that portion of the negro population which was under the age of six years on the 1st of August, 1834, and is consequently free, has been forcibly urged upon the attention of your Committee by several competent and respectable witnesses. It appears that there exists a general disinclination on the part of the parents of those children to suffer them to become apprentices (a circumstance which your Committee cannot but consider indicative of the just value which the negroes attach to freedom); that the means of education are provided for them in a most inadequate manner, and the consequence is, that they are growing up for the most part in ignorance and idleness. Your Committee need not dwell upon the great importance to the future prospects of the West India Colonies, that bad habits should not be formed in the minds of the rising generation, which are but too likely to become contagious. With a view to prevent so great an evil, your Committee trust that the legislature of Jamaica will take immediate measures (as they have stated their willingness to do) for the better encouragement of schools, which, independently of the peculiar case of the children who have been referred to, appear to be exceedingly wanted for the general use of the negro community; and in that event your Committee hope that Parliament may feel disposed to contribute, in future Sessions, yet more liberally than they have already done, towards the attainment of this most pressing and momentous object.

Your Committee have thus commented upon the principal points which have been brought before their notice; and upon a general review of the evidence which they have received, they conceive that they are warranted in expressing a belief, that the system of apprenticeship in Jamaica is working in a manner not unfavourable to the momentous change from slavery to freedom which is now going on there. They perceive undoubtedly many traces of those evils which are scarcely separable from a state of society confessedly defective and anomalous, and which can only be defended as one of preparation and transition. But, on the other hand, they see much reason to look forward with a confident hope to the result of this great experiment. In the evidence which they have received, they find abundant proof of the general good conduct of the apprentices, and of their willingness to work for wages whenever they are fairly and considerately treated by their employers. It is indeed fully proved, that the labour, thus voluntarily performed by the negro, is more effective than that which was obtained from him while in a state of slavery, or which is now given to his employer during the

period for which he is compelled to work as an apprentice. The mutual suspicion and irritation of the different classes of the community appear to be gradually subsiding, and on the part of the negro population, industrious habits, and the desire of moral and physical improvement, seem to be gaining ground. Under these circumstances, your Committee feel bound to express their conviction, that nothing could be more unfortunate than any occurrence which had a tendency to unsettle the minds of either class with regard to the fixed determination of the Imperial Parliament to preserve inviolate both parts of the solemn engagement by which the services of the apprenticed labourer were secured to his employer for a definite period, and under specified restrictions; at the expiration of which, he is to be raised to a state of unqualified freedom, and be governed by laws framed in all respects, on the same principle, as those to which his white fellow-subjects are amenable.

Some of the objections taken to the Jamaica Legislation have been satisfactorily explained by further evidence in the course of the investigation, and do not, therefore, appear to require any specific notice. Upon other points which have not been satisfactorily explained, your Committee have omitted to animadvert, because they believe that the attention of the Colonial Office and of the governor of the Island has been, and that they trust it will continue to be, steadily and unremittingly, directed to every part of the subject. In conclusion, your Committee would observe, that it appears to them to be most expedient, that such enactments as are intended to come into operation after 1840, should, as much as possible, be delayed until that period shall arrive, and at all events be postponed until the time which more immediately precedes it.

13*th August*, 1836.

No. 2.—Copy of "The Report of the Select Committee appointed (19th May, 1837,) to inquire into the working of the Apprenticeship System in the Colonies,"* &c. &c.

Your Committee regret that owing to the late period of the Session at which they were appointed, and the prospect of its premature termination, they have been able to proceed but a little way in the investigation of the various important questions which have been submitted to them.

Under these circumstances, they do not feel warranted in reporting to the House the evidence which they have received, nor in expressing any general opinion upon it.

There is, however, one subject to which they consider it to be their duty especially to advert: the state of the workhouses and of the prison discipline is so intimately connected with the working of the apprenticeship system, that it has engaged the anxious attention of your Committee, particularly as it exists in the Island of Jamaica, to which their inquiries have been principally directed; and it appears to them to be indispensable hat there should be instituted, without delay, a strict and searching examination into the state of the workhouses in the West Indian Colonies, and especially into the construction and use of the treadmills which are employed in them, and the nature of the coercion adopted to ensure labour among the prisoners.

It has been satisfactory to your Committee to learn that the attention of the Colonial Office has been directed to this question, and that it is the intention of that department to take effectual means to obtain the information which is required upon it.

In conclusion, your Committee would recommend, that a Select Committee should be appointed to pursue this Inquiry in the next Session of Parliament.

July, 1837.

* The Committee consisted of the same Members as the Committee of last year with the exception of Mr. Dunlop in the place of Mr. Oswald.

APPENDIX C.

Colonial Laws and Regulations.

These laws and regulations, which are very voluminous, will be found among the papers printed by order of the House of Commons, and in the Report on Negro Apprenticeship.

On the character of these laws and regulations, the Parliamentary Committee examined several legal gentlemen, namely; on behalf of the negroes,

JOHN JEREMIE, Esq., late Procureur General at the Mauritius, and now one of the Judges in the island of Ceylon.

JOSEPH BELDAM, Esq. and RICHARD MALTHEUS, Esq. } Barristers at Law.

And on behalf of the planters,

WILLIAM BURGE, Esq., K.C., and Agent for Jamaica.

The evidence of the three first gentlemen was unanimous, to prove the substantial and pervading repugnance of the colonial laws and regulations to the Imperial Act of Abolition, and their evidence was in no important particulars impeached or rebutted by the reply of the learned Colonial Advocate. From this source, therefore, the legal objections urged in the report of the Anti-Slavery Committee have been mainly derived.

The conclusive notice of this evidence will, however, be more fully seen, in the viva voce examination of Mr. Jeremie, supported by that of his professional colleagues; and likewise, in the copious analysis of Mr. Beldam, which comprise the whole of the West Indian laws examined up to the session of 1836. A few extracts from these documents may be here inserted.

On the legal condition of apprentices in Jamaica, Mr. Jeremie observes as follows:—

"The apprentices in Jamaica may be worked by day in the field, and by night in the boiling house, for forty-five hours in succession, excepting the short time allowed by day for meals, when employed in the field; may be mulcted the full amount of his time for the benefit of his employer, though no prejudice may have been suffered by the latter, and flogged on making complaint. He can recover nothing from his employer by any availably remedy, nor has he any protection against complaints, however frivolous. He has a day to himself, during which, he may be imprisoned by an estate constable under the control of the manager. If wages are promised him for extra work; if task-work contracts are violated, he has no available remedy. He can be apprehended at pleasure by any man he meets, who is rewarded for so doing. His wife, his sister, his daughter, may be sent to the tread-mill at the discretion of a special magistrate, for any length of time, and for any offence; and there they fall under the control of the colonial magistrate, who may order them all, men, women, and children, to be flogged at his discretion, for any breach of the workhouse discipline. His provisions, food, clothing, he may be deprived of, and is without any remedy which is not illusory, for an indemnification. He cannot proceed beyond the limits of the plantation, except in a few stipulated cases, without a pass from his employer, except under a liability to be arrested and taken before a magistrate. The pregnant wife, the nursing mother, are unprovided with even nominal additional protection. His children born free for the last eight years, with those born free the next four years, if apprenticed, may be subjected to this treatment until they are twenty-one years of age. Supposing him to have committed no possible offence, to have laboured as industriously in his own time, with the view of improving his condition, as in his manager's, in performance of his duty, still must he labour on throughout the period assigned, or purchase off the remaining term at a price to be affixed by colonial magistrates."*

* Vide Appendix to Report, p. 2.

To this extract may be added the general remarks of Mr. Beldam on the law of Barbadoes, to the following effect:—

"The present comments will be confined to the objections untouched, or only imperfectly noticed by the Government despatches. Before proceeding to details, it may be observed generally, that the Barbadoes Abolition Acts, even in their amended form, exhibit most of the glaring defects already noticed in the Jamaica Abolition Acts; the same marked inequality is apparent between the coercive and the protective enactments of each colony, the same practical sacrifice is made by both, of the rights and privileges of the negroes to the interest or convenience of the planters. Whatever relates to the welfare and protection of the apprentices, appears in each, to be either scantily provided, or ill secured; while restraints and punishments are multiplied upon them without necessity, and are stretched beyond their due limits. Similar impediments are thrown by both legislatures in the way of compulsory manumission; and a similar appropriation of penal labour, in cases not intended by the Imperial Act, and contrary to sound principle, has been enacted by each, for the benefit of the employers, who, through the medium of a constabulary force, subjected to their direction, possess in each colony the same arbitrary powers over the personal freedom and domestic security of their apprentices."*

The concluding remarks of the same witness on the laws of Jamaica and the present character of colonial legislation, are as follows:—

"By a despatch, dated the 20th of February, 1834, Mr. Stanley, then Secretary of State for the Colonies, after announcing that His Majesty's Government, on the fullest consideration of the principles and details of the Jamaica Act (No. 1.), had arrived at the conviction, that the Legislature of Jamaica had *faithfully* and *effectually* enacted the Abolition of Slavery, and had also framed the supplementary enactments *requisite* during the intermediate state of apprenticeship, proceeded, with some apparent inconsistency, to point out various serious defects in the Act which he was thus prepared to sanction. His suggestions, however, assuming the tone of amicable *compromise*, rather than that of solemn *compact* between the parties, and arguing the *propriety*, instead of insisting on the *necessity* of the proposed modifications, met with the fate which might have been easily anticipated from legislators, whose right to *compensation* had been already rendered *indefeasible*.

The amendments proposed were as follows:—

1. The rectification of an error as to the date of *classification*.
2. The completion of the machinery of *manumission*.
3. The making *estate constables independent of the authority of their masters*, and limiting the power of *imprisonment on estates*.
4. The limitation of the magistrate's power in cases of "*minor misdemeanours and offences*" (*vide Jamaica Slave Act*, § 129).
5. The specific application to employers of the clause punishing *frivolous* complaints: and the insertion of a clause, as to residence of apprentices, analogous to the *British Guiana Ordinance*, cap. 6, § 2.
6. The limitation of the terms "*urgent necessity*" to certain specific emergencies.
7. *The protection of Special Justices.*
8. The appropriation of some portion of the *fine* on *employers* as a *compensation* for the *wrongs* done by them to *apprentices*.
9. The reservation to apprentices of the right of proceeding criminally in the ordinary courts for injuries inflicted by employers.

To which, accompanied by a slight notice of the loose manner in which provision was made for the *maintenance* of the apprentices generally, was added a suggestion of the propriety of providing specifically for cases of *sickness*.

Of the proposed amendments, several were embodied in the Amendment Act, No. 2; but that which relates to *manumission*, is still left *imperfect*. The unconstitutional power of *estate constables*, virtually involving the *irresponsible* power of punishment for *minor* offences, is still *retained*. *Unnecessary restraints* on *residence*, and, consequently, on locomotion, are *left* as *before*. *Compensation* to the *injured apprentice* out of the fines is *not granted*. *Maintenance*, as to *quantities*, *qualities*, and *specific* regulations, remains as loosely secured as before; and even the customary *medical assistance* appears to have undergone some restriction.

* Vide Appendix to Report, of Negro Apprenticeship Committee, p. 63.

Nor is this all. The opportunity afforded by the passing of a new Act, was embraced to introduce fresh objectionable matter; the repugnances of which, have been already exposed in the preceding analysis of the *Act No.* 2. The unconstitutional power given to the justice by *section* 20, of examining the party accused on *oath* touching the matter of accusation; but especially the virtual infraction in *section* 22 of the prohibition to *flog females*, requires a moment's further notice. That such an infraction of the *Imperial Act, section* 17, is really authorized by this section, may be shown as follows:—The *Imperial* Act prohibits the whipping or beating of females, for any offence whatever, except under some *law or police regulation*, in force against, and applicable to, *all other persons of free condition.* It appears, that the whipping of *free* females is allowed in *Houses of Correction* and *Workhouses*; but this disgraceful discipline is of course, restricted to unfortunate persons confined in those places by virtue of some *general law.* Now, the *offence* which occasions the incarceration of the *apprenticed* female, is committed against no *general law*, but is a simple violation of some *apprenticeship enactment*, not applicable to *free* females, and for the infraction of which, they should never incur the risk of this coercive treatment. The attempt to distinguish between the original sentence of imprisonment, and the *discipline* that *may*, and most probably *will* follow upon it (the offence originally committed being no offence against a *general law* of the Colony), is a mere *evasion*, though hitherto but too successful, of one of the most peremptory and stringent provisions of the imperial Legislature.

Notwithstanding the *incompleteness* of this Act, as an Act in aid,—its *fresh* objectionable enactments, and its *limited duration*,—it appears, from a despatch of Lord Aberdeen of the 15th January, 1835, to have been accepted as a *satisfactory compliance* with the suggestions previously transmitted; with an intimation, however, that until the enactments of this second Act, were made commensurate with the duration of the first Act, the Legislature of Jamaica could not be considered as having fully acquitted themselves of their duty.

The passing of the *Act No.* 3, above analysed, and the subsequent conduct of the Jamaica House of Assembly on the question of the revival of the Act No. 2, which, notwithstanding the remonstrances of the Home Government, and of the Colonial Governor, had been suffered to expire, remove all further motives for delicacy in treating with this refractory Colony, as they plainly demonstrate the want of good faith, so long and so loudly complained of by the friends of the enfranchised negroes. It now remains to be decided by a competent tribunal, whether laws of the character already exhibited in the preceding analysis, are to be accepted as an adequate and satisfactory fulfilment of the conditions, upon which £20,000,000 sterling have been paid by the mother country.

That this solemn inquiry should have been relieved by its own peculiar circumstances, from the difficulties incident to ordinary cases of interference with Colonial Legislation, where no solemn compact exists between the parties, and no great constitutional rights are endangered, must be considered a favourable omen of its successful issue.

* * * *

The laws of nineteen Colonies, in many respects equally objectionable with those already commented upon, must undergo the same inquiry; and the practice arising out of all these laws, requires to be strictly examined. Beyond all this, but yet forming the most important field of investigation, lie those *permanent laws, which are to fix the ultimate condition of the negroes, and to determine the future fate of our Colonies;* to decide, in short, whether, in return for the enormous price that has been paid, the negroes shall be put into substantial possession of the rights and privileges of British subjects.*†

The practical abuses of the apprenticeship system, appear to have been to a certain extent, admitted by all the witnesses examined before this Committee, but they were more particularly pointed out and illustrated, by the evidence of Dr. Madden, Captain Oldrey, Mr. Beaumont, Mr. Shirley, and Mr. Russell. The official evidence, however, of these abuses, has been almost exclusively relied upon by the Anti-Slavery Committee.

* Vide Appendix to Report of Negro Apprenticeship Committee, pp. 25, 26.
† Vide likewise Analysis of Jamaica, Laws, published separately.

ERRATA TO THIS APPENDIX, AT PAGE 48.

for Richard Matheus, Esq., *read* Richard Matthews, Esq.
In first line of second paragraph, *for* notice *read* nature.

APPENDIX D.

EXTRACTS from Despatches of Secretaries of State for the Colonial Department, establishing general principles, the violation of which is now complained of.

*Extract of a Circular Despatch from Mr. Secretary Stanley, (now Lord Stanley,) dated 19th October, 1833**

In effecting throughout the extensive dominions of the Crown so vast a change, as that from slavery to freedom, His Majesty's Government (and Parliament agreeing in their views) deemed it indispensable to provide for a transition state, of longer or shorter duration, but of which they fixed the maximum, during which the present Master and Slave should continue bound to each other by mutual obligations, securing to the one, a limited portion of labour, and to the other, a certain maintenance and protection; and the principal objects of these enactments was to make temporary provision for the continued cultivation of the soil, and good order of society, until all classes should gradually fall into the relations of a state of freedom.

* * * *

But you will distinctly understand, that you will not be authorized to consent to any Ordinance creating an intermediate state of a different description, or subjected to restrictions of a different nature from those contemplated by Parliament. The term of apprenticeship may be shortened, the hours of compulsory labour may be fewer, the burthen imposed may be made lighter, but no distinctions must be allowed to be drawn between those at present free, and those at present slaves, of a different character from, or to a greater extent, than those which have been sanctioned by parliament. As you will consider yourself precluded by your instructions from sanctioning any ordinance which may prolong the duration of the intermediate state, or inpose any heavier burthens upon those who are in that state, so you will likewise withhold your sanction from any Ordinance perpetuating or continuing after the termination of that period, any distinction or exclusions arising out of a previous servile condition.

Extract of a Despatch from Mr. Secretary Spring Rice, to Sir Lionel Smith, dated 21st August, 1834.†

"It was the intention of Parliament, that subject to the obligations of apprenticeship, and to certain disqualifications arising out of that state, the slaves in the British West India Colonies should, on the 1st August, become free subjects of His Majesty. I am necessarily prevented from sanctioning any enactment in a Colonial Act which tends to create any distinction between an apprenticed labourer and any other free person, unless such distinction is incidental to the apprenticeship."

Extracts of a Despatch from Mr. Secretary Spring Rice, to Governor Sir G. F. Hill, Trinidad, dated 8th October, 1834‡

"To adopt the extreme remedies of coercion and punishment in every state of things, short of an extreme case of violence and of crime, is no less reprehensible than it is dangerous."

* * * *

"To make those laws effectual, care must be taken, that the mutual obligations created under their provisions, shall be strictly fulfilled; and that whilst the labour of the apprentice is secured for the benefit of the employer, so his rights must also be secured, and his legal claims must be attended to, with the strictest fidelity and justice."

* Vide Parliamentary papers relating to the Abolition of Slavery. Sess. 1835. No. 177.
† Ibid, part II. continued, sess. 1835, No. 278—II.
‡ Ibid, No. 278.—II. p. 205.

*Extract of a Despatch from Mr. Secretary Spring Rice, to Lieutenant-Governor Sir D. Hill, St. Lucia, dated 11th October, 1834.**

"A very important duty remains to be executed by you and all others conducting the functions of Government in the West Indian Colonies. In carrying into effect the provisions of the Abolition Act, you will I am sure feel yourself called upon to assist the employers in obtaining from the apprentices the amount of labour to which by law they are entitled, and on the other hand, you will apply your constant and most sedulous attention, to secure to the labourer, the full possession of every right and privilege conferred on him by law.

Extract of a Despatch from Lord Glenelg to the Marquis of Sligo, dated 13th of June, 1835.†

"I infer (from your despatch No. 69) that an opinion prevails in Jamaica and is even entertained by your lordship, that the colonial acts respecting apprenticed labours, have superseded the acts of Parliament in that island. This, however, is a misapprehension which cannot be too soon, or too distinctly removed. The 22nd section of the British statute prescribes with minute care, the method to be taken as often as any of the parliamentary enactments are to lose their authority, and are to give place to others to be substituted for them by acts of assembly. But this course has not been pursued in reference to any of the acts of the Jamaica legislature. Every part of the statute 3 and 4 Will. IV., c. 73, has the force of law in that island. In the language of the 16th section, 'any enactment, regulation, provision, rule, or order, in any Act of the Assembly [of Jamaica] contained, in anywise repugnant or contradictory to the act of parliament, or any part thereof, is absolutely null and void, and of no effect.'

"Your lordship will communicate to every special magistrate in Jamaica a copy of the preceding paragraph, for his guidance in the execution of his duty."

* * * *

"Between His Majesty, the British Parliament, and the people of Great Britain, on the one hand, and the persons entitled to the services of the manumitted slaves, on the other, there may with little impropriety of language be said to exist a solemn compact, to the faithful performance of which, either party is bound by the most sacred obligations. If, on the one hand, the payment of the compensation money is the inevitable duty of this country, it is not less clearly due from the colonial legislatures, that they should strictly adhere to every one essential or valuable provision of those laws, which have been accepted by His Majesty as an 'adequate and satisfactory' performance of the condition which Parliament imposed upon them at the time of making the grant. For the Council and Assembly to retract any part of the offer deliberately made by themselves, and on the footing of which their right to participate in the compensation fund was established, would be an infringement of the original compact, to which His Majesty could never assent."

* * * *

In commenting on one of the acts of the Jamaica legislature, his lordship further observes :—

"In the event of any repugnancy between the two," (the Imperial Abolition Act and the Jamaica Abolition Act,) "not merely the general principle of law, but the express terms of the 16th section of the English statute, declares, that the Act of the Assembly shall be 'null and void, and of no effect.'"—"Every part of the statute of the 3rd and 4th of William IV., cap. 73, has the force of law in Jamaica.

In concluding this despatch, Lord Glenelg says :—

"This correspondence suggests the indispensable necessity of insisting, that no act be passed in Jamaica affecting the condition of apprenticed labourers, unless it shall either contain a suspending clause, or unless the period at which it shall be made to take effect in the island shall be so remote, as shall afford His Majesty in Council, ample time for exercising His Majesty's prerogative of disallowance, if

* Parliamentary papers, sess. 1835. No. 278. II. part. 2 continued. p. 225.
† Ibid. No. 278. I, pp. 14, 17.

that course should be thought necessary. Your lordship will consider this as an inflexible rule for your future guidance."

*Extract of a Despatch from Lord Glenelg to Sir Evan M'Gregor, dated 28th July, 1835.**

"No Colonial legislation can lawfully contravene the British statute."

APPENDIX E.

Illegal Importation, and Defective Registration of Slaves in the Mauritius, and other Colonies.

It is impossible to question the wholesale violation of law on these subjects in the Mauritius.

The details are much too voluminous for insertion here; but a few of the leading facts corroborative of the Anti-Slavery statement will be given.

1. As to illegal importations, the following statistical calculations and remarks may suffice.

The Mauritius was captured from the French in 1810.

In 1811, its slave population amounted to 53,060; in the proportion of 36,010 males, and 17,050 females.

In 1818, notwithstanding this extreme disproportion of the sexes, and the unusual mortality occasioned during that year by the cholera, which was computed to have carried of 20,000 slaves,—the slave population was returned at 80,019, shewing an increase, therefore, of nearly 50,000 in the space of seven years.

That this increase could scarcely be explained by natural causes, appears not only from the circumstances already mentioned, but more positively from a despatch of the 28th July, 1818, addressed by the Governor, Sir R. Farquhar, to Lord Liverpool, as follows:—"The annual reports of the last seven years shew no increase of population in any class; but a yearly diminution of five per cent. in the numbers of the blacks."

If then, we suppose the same decrease to have continued for the following seven years (and inasmuch as the sugar cultivation was largely extended, such an assumption is not unreasonable), the numbers in July, 1819, should not have exceeded 37,000. The difference between this number and the above return of 80,019 added to the number supposed to have died of the cholera, will attest the enormous extent to which the slave trade must have been carried on during this period.

Again, the Commissioners of Eastern Inquiry examined a man of the name of Dorval, a slave trader, of whom they say, that "where he had no motive for concealment, the information which he communicated was accurate." Now, Dorval states, that from Madagascar alone, there were annually imported, from 1810 to 1820, 3000 slaves, making a total of 30,000 in ten years, from one depot.

These inferences are further confirmed by the general falsification of the Slave Registers throughout the Mauritius, to be presently noticed, which could be for no other purpose than to conceal such fraudulent transactions.

The fact indeed, of illegal importation to a great extent, may be said to be now generally admitted.

2. As to Defective Registration.

The first Order in Council imperatively enjoining registration in the Mauritius was passed in 1814, of which it will be sufficient to state on the authority of the

* Vide Parliamentary papers, sess. 1835, No. 278, II. p. 133.

Commissioners, that under this Order the slave returns were so imperfect, that the beneficial effects of the law could never be attained.

A new Order in Council was passed in 1826, the instructions of which, the same authorities admit to have been inadequately fulfilled, and the object of the law, to a certain extent, to have been again defeated.

It is quite apparent, that the intention of the Commissioners was not to aggravate the case they have so moderately stated.

The evidence of Mr. Mylius, the Official Registrar of the Island, is more decisive.

Referring to the Register compiled under the latter Order in Council, and comparing it with the slave returns for the year 1832, he observes, in a letter to the Governor, dated 25th February, 1833, that the most fatal errors were discovered; for instance,—males were entered as females,—and females as males,—the dead entered as still living,—those absent from the Colony, as having undergone personal inspection there,—in short,—the omissions,—erasures,—additions,—and falsifications of every description in these documents, were officially discovered by him to be so complicated and numerous, that "to get over such a voluminous mass of errors and irregularities (he concludes) is quite impossible." Mr. Mylius, in consequence, refused to make out the register for the year 1832. And it is upon the planter's own slave returns for that year, unauthenticated by comparison with the former registers, that compensation has been awarded, and the slaves have been apprenticed in that Colony.

The subject of illegal importation and defective registration in the Mauritius, with the outrages which have followed, must hereafter obtain more attentive consideration. But it is due to the Home Government to state, that however ineffectual their efforts have hitherto proved to obtain justice for the slaves of that rebellious Colony, the hardship of their case has not been entirely overlooked.

So fully was Sir George Murray convinced of the vast extent of illegal importation in that Colony, that had he continued to hold the seals of the Colonial Department, it was his intention to have given freedom to all slaves whose owners were unable distinctly to prove a legal title to their possession. With an object somewhat similar to this, the *onus probandi* being however, in this instance, put upon the slave, Mr. Jeremie was afterwards actually sent out to the Colony; from whence, as it is well known, he was ultimately driven, without being able to accomplish his functions. And subsequently, the letter (referred to in the Anti-Slavery Report) of the 5th August, 1835, was addressed by Lord Glenelg to the Governor, Sir William Nicolay, of which the following is a copy.

Sir,—"I have found upon inquiry, that no transcript of a registry of slaves for 1832, or any subsequent period, has been received in this country from the Mauritius. A mere summary of returns made to the Registrar in Mauritius, in 1832, has been transmitted by him to the Registrar of slaves here; and from some documents now in this office, I am led to infer, that proper measures were taken for completing a due registry of the slaves in the Mauritius, in the course of last year. As however, there is no conclusive evidence here, that such was the case, I have to request, that as soon as possible after the receipt of this despatch, you will report to me whether, and when, any registry for the year 1832, or for any subsequent period, has been completed, and what was the date of the last registry, including the slaves in the Seychelles. You will also transmit to me without delay, a transcript of such registry.

"I feel it my duty, with reference to this subject, to call your particular attention to the 1st and 12th clauses of the Act for the Abolition of Slavery, by which it is provided that the apprenticeship shall be imposed only on those slaves, who on or before the time specified in the Act, were duly registered as slaves, according to the laws then in force in the Mauritius; and that all slaves not duly registered as before mentioned, shall be entitled to the unqualified enjoyment of their personal freedom, on the 1st February, 1835.

"The returns to which I have adverted, have been taken by the Commissioners of Compensation, under the 45th section of the Act, as the basis of the apportionment of a share of the compensation fund to the Mauritius; but these returns, in the absence of a due registry, would not affect the personal condition of the negro,

who, if not duly registered, cannot be legally subject to the term of apprenticeship, although he may have been included in the number of those, in respect of whom compensation has been awarded.

"It appears, moreover, that a claim has been made from Mauritius, and has been rejected by the Commissioners of Compensation, for including in the return of slaves in respect of whom compensation was to be awarded, 2,000 or thereabout, admitted not to have been returned or registered. As these slaves come clearly within those clauses of the Act to which I have referred, and consequently could not be lawfully employed as apprenticed labourers from the 1st February, 1835, the day on which the Act came into operation in the Mauritius, I presume that you have already taken the necessary steps for declaring them absolutely free. You will, I trust, also have taken the same steps with reference to any others, who may not have been duly registered as required by the Act. Should you have omitted to adopt this course, I have to convey to you the desire of His Majesty's Government, that you take immediate measures for carrying the provisions of the Act of Parliament, in the cases I have mentioned, into full effect."*

This letter having failed to produce its intended effect, and doubts of its legal correctness having been suggested, notwithstanding its previous approval by the Law Officers of the Crown; the whole subject was brought before the Judicial Committee of the Privy Council in the month of June, 1836, on the question, "whether the absence of a registry of slaves, first in 1832, and then in 1834, under the circumstances stated in the accompanying papers, does, or does not, under the provisions of the Slavery Abolition Act, entitle the late slave population of Mauritius to the immediate enjoyment of their unqualified freedom?" To this question, the Privy Council, after argument, returned a general answer, "that the late slave population of Mauritius were not entitled to the immediate enjoyment of unqualified freedom!" And in this opinion the Colonial Secretary appears to have since acquiesced.

The subject, however, cannot be permitted to rest here. The Imperial Parliament must be the interpreter of its own act. The merits of this adverse decision will not admit of being now discussed, but it may be remarked, that it seems to be mainly founded on two propositions, namely; First, Admitting the abolition act to be a remedial measure, and intended to bestow the greatest amount of benefit on the slave population, that object will be more fully accomplished by the enforcement of the apprenticeship system, than by the immediate bestowment of unqualified freedom; not excepting from this conclusion, even the case of persons illegally held in slavery. And secondly. Admitting as a principle of law, that the rights of innocent parties ought not to be prejudiced by the default of public functionaries, it follows that the planters of Mauritius not having been convicted of fraud as a whole body, ought not now as a whole body, to be deprived of the profits of the apprenticeship, on account of the misconduct of any of their number.

Upon this judgment it need only be observed, that the application of the principle of law would not be impeached, if the proposition which precedes it were not wholly fallacious. It is assumed, however, contrary to the most positive proofs, that the apprenticeship system is a benefit to the negro. The Report of the late Parliamentary Committee, nevertheless, pronounces it to be, both in itself, and in regard to the negro, a system pregnant with evil, and defensible, if at all, only as an experiment. No person, indeed, even with the fullest conviction of the necessity of some method of coercion, could seriously believe that a system of *gratuitous* labour is really a benefit to the labourer, or a means of preserving the public peace, or any thing else in short, than a sacrifice of all other interests to those of the planter. The question, therefore, becomes one between the conflicting rights of two parties, equally innocent in the eye of the law, in which case the law determines, and common sense approves, that the greater of the two rights shall prevail. It will be seen, for the Privy Council, or rather, for the Imperial Parliament to decide, whether the personal liberty of 60,000 individuals, involving the right to adequate compensation for their future services, shall, or shall not be preferred, to the mere pecuniary pretensions of as many hundreds of their employers, who seek to obtain those services for less than their

* Vide Parliamentary Papers relating to abolition of slavery. Part II. Sess. 1835. No. 278—1.

real value. In other words, supposing the pecuniary claims on either side to be exactly equal, the question resolves itself into this,—whether or not, the personal liberty of 60,000 British subjects is now to be deemed altogether unworthy of consideration.

No further steps of an authoritative kind appear to have been hazarded for the purpose of liberating the slaves alluded to in Lord Glenelg's despatch, who were confessedly not included in the planters returns; nor, for the emancipation of innumerable other slaves, who, though included, are entitled by reason of fraudulent or erroneous registrations to their immediate liberty.

Can it be doubted with respect to cases so flagrant, aggravated by the subsequent misconduct of the planters, whether the British Parliament will prove itself competent and disposed to redress them. Or will the necessity be now questioned of augmenting the power of the executive government, for the purpose of vindicating the honour of the nation, and fulfilling the intentions of the Imperial Legislature?*

The evidence on the subject of registration as to the other Colonies is incomplete. In Jamaica, a considerable number of the unregistered slaves have been emancipated;—on this subject Lord Aberdeen writes as follows:—

Extract from a Despatch from the Earl of Aberdeen to the Marquis of Sligo, dated 16th February, 1835.

I have the honour to acknowledge the receipt of your Despatch of the 3rd November last, respecting the apprentices in the Grand Caymanas.

The report which has been received from the law officers of the crown, has fully justified the view which was taken upon this subject by my predecessor. They are of opinion, that the unregistered slaves, as well in the Grand Caymanas as in Jamaica, could not be lawfully treated as apprenticed labourers from the 1st August last, from which day they became absolute, manumitted.

* * * *

"Your Lordship will observe, that the decision of the Commissioners is general, and is capable of reference to all slaves not illegally held in slavery."†

From the evidence taken before the Parliamentary Committee on Negro Apprenticeship (Sess. 1836), there is great reason to apprehend, that very considerable numbers of negroes, who are legally entitled to their freedom, are still kept in bondage. Mr. Beaumont, who was long resident in Jamaica, and formerly a member of the House of Assembly there, asserts, that there is "a very great number not registered according to law." In answer to a question as to how many he thought there were, he says,—"I should think one-eighth of the apprentices were not strictly legally registered." Mr. Beaumont gave further evidence, upon this point, for which we refer to the Appendix to the Report of the Committee, questions 4501 *et seq.*

Dr. Madden, formerly a stipendiary magistrate in Jamaica, in his evidence, says likewise—"When I was there, a vast number of apprentices were not duly registered." Vide Appendix, as above, questions 671, *et seq.*

But whatever be the number of not duly registered apprentices in Jamaica, their condition has been rendered more hopeless by a decision of the Supreme Court of that Colony, in the case of *Bayley v. Ewart*, (June 6th, 1837,) which declares, on the authority of the Mauritius case, that any former registration is sufficient. It had been previously ruled, in a case before the special magistrates, *Bernard v. Connage*, that the *onus probandi* as to registration, falls upon the apprentice, but it is impossible that this incorrect judgment can be permitted to stand.

There is reason to believe, that a searching inquiry into this subject in various other Colonies, particularly into the case of the Rosehill slaves, in the island of TRINIDAD, would lead to the immediate liberation of a large number of negroes from the galling bondage of apprenticeship.

* The Mauritius case will shortly appear in Moore's Reports.
† Parliamentary papers, sess. 1836. No. 278—II. p. 267.

APPENDIX F.

Classification of Apprentices.

The law which regulates the classification of apprentices, will be found in the 4th section of the Imperial Act of Abolition, and its true construction appears to be as follows:

The object of the clause was to divide the negroes into three classes; namely, prædials attached, prædials not attached, and non-prædials; and to introduce a special criterion for ascertaining the class of prædials. The former part of the clause makes all negroes usually employed in agriculture, or in the manufacture of colonial produce "or otherwise, prædial apprentices, subject nevertheless to the proviso contained in the subsequent part of the clause;" the words "or otherwise" here used, obviously refer to the *incidental duties* of a prædial character, as contra distinguished from the *specific* duties previously mentioned. The proviso itself enacts, that no person of the age of twelve years or upwards, shall be included in the two classes of prædials, unless such person shall for twelve calendar months before the passing of the act have been habitually employed in the *specific duties*, already mentioned.

The meaning of the whole clause is this—that as it respects negroes under the age of twelve years, whose habits were comparatively unformed, proof of their being *usually employed* upon either the *specific* or the *incidental* duties mentioned in the former part of the clause, should be sufficient to constitute them prædial apprentices. But as it respects persons of the age of twelve years and upwards, whose habits were already in a great measure fixed, and in whose case therefore any change or prolongation of service, would be a greater hardship, it is positively required, that not merely usual, or occasional, but *habitual* employment for the entire period mentioned in the proviso upon the *specific* duties therein mentioned, should alone make them liable to be classed as prædial apprentices.

The principal objections to the various Colonial Acts and Ordinances, passed for the purpose of carrying this most important branch of the apprenticeship law into operation, will be found in the Comments upon the Draft General Order in Council—(vide Appendix to Report on Negro Apprenticeship p. 11.) they are as follows:—viz.

"The clauses under this head appear to be defective in the following particulars: No notice required to be given to apprentices;—a merely contingent right of appeal, depending on the doubts of the registrar;—no sufficient facilities nor securities for appealing with success;—a limitation of the time for appealing, which ought to be commensurate with the existence of the apprenticeship;—no sufficient penalties for neglect to register,—nor for falsification,—and no compensation to the injured apprentice in such cases. A general Order in Council might with propriety have suggested specific and adequate provisions on each of these topics."

Most of the colonies have made certain regulations on this subject, but with few, if any exceptions, they appear to be open to some, if not to all the objections above mentioned.

Principles recognised by Colonial Secretaries of State, the violation of which is now complained of.

The practical necessity of enforcing the provisions of the Imperial Act in regard to classification is pointed out in a Despatch from Mr. Spring Rice to Sir Lionel Smith, dated 12th August, 1834, (vide Parliamentary Papers, sess. 1835, part ii. pp. 65, 66.) where, in commenting on some afterwards amended clauses of the Barbadoes law, he observes, "I feel unable to consent to a clause having this objectionable result: for, independently of the just claim which the apprenticed labourer has to be placed precisely in that position which Parliament has destined for him, I foresee that much difficulty and litigation would arise from the confliction of the rights and obligations created by the Act of Parliament, with those which are laid down in the Barbadoes Act."

"Independently of this objection to the proviso, arising from its contravening the Act of Parliament, there is another ground which would make me hesitate to sanction it. It is impossible not to perceive, that the conversion of a domestic into a field labourer may, in consequence of the totally different nature of the employment, inflict upon him a most severe and objectionable punishment."

The following passage on the criterion of the non-prædial service, appears to be very important.

Extract of a Despatch from Lord Glenelg, to Sir E. I. M. M'Gregor, Bart., dated 31st December, 1835.—*Vide Parliamentary Papers, sess.* 1836, *part* iii.—II, *p.* 327.

"I do not concur in the Attorney-general's statement, that the non-prædial class is to be composed exclusively of domestic servants. Mr. Shiell is, I think, inaccurate in stating, that there is no other class of apprentices whose services may be required at any season and any hour. The same thing is true of fishermen, mariners, boatmen, porters, and in a lower degree, of artizans of every kind employed in various trades, such as journeymen bakers, butchers and many others. To restrict the class to domestic servants, would be to exclude large bodies whose claim rests upon precisely similar grounds."

Classification in Jamaica.

The following Extract from Lord Glenelg's Despatch, dated the 2nd September, 1837, *disallowing the Jamaica Classification Act, will indicate the nature of the objections successfully urged by the Anti-Slavery Committee against its adoption.*

"In my despatch of the 1st May, No. 88, I noticed with approbation, the act, No. 3,242 for the classification of the apprenticed labourers. Referring, on that occasion, rather to the general epitome of the law, which your despatch contained, than to the details of the act itself, I now apprehend that I may have conveyed to you a more favourable impression of my view of the subject, than it is in my power to give after an attentive study of the transcript which is now before me. You are probably aware, that objections have been urged to this statute in very strong terms, in popular writings, and at public meetings in this country. So far as I have been able to ascertain the nature of those objections, some of them appear to be unfounded, but there are others, which, without any such suggestion, must, I think, have occurred to any person who carefully compared this statute with the act of parliament for the abolition of slavery. I am persuaded that this comparison was made by you, and that the difficulties I have noticed, did not escape your observation, nor am I at a loss to understand and appreciate the motives which probably induced you to disregard them. The defectiveness of the original law of Jamaica, in omitting to provide for any classification of the apprentices, was, I presume, regarded by you as a irremediable, unless by the acceptance of this law; admitting the weight of that vindication of your own policy in assenting to it, I proceed to show, that I could not avail myself of that defence if I should advise Her Majesty in Council to confirm it by her ultimate sanction.

"It has been objected, that this act does not impose on the magistrates the duty of issuing a special citation to every apprentice, and of explaining to him his rights, and the consequence of asserting or neglecting them. I do not subscribe to this objection, because I think, that it is not within the proper object of a legislative act, to inculcate the performance of duties thus general and indefinite. On the other hand, you will of course have impressed on the magistracy, the necessity of these full communications with the apprentices, and will have ascertained that your injunctions have been obeyed.

"Secondly, It is objected, that the Special Justice is authorised by this Act to decide against the Apprentice without his consent, although he cannot decide against the Employer except with his consent. I think this remark well founded. It may indeed be answered, that the apprentice bears the relation of a client to the Justice, and that confidence may be given to his decision, when against his client which it would be unreasonable to give, when they were in his favour. This

however, is to assume an habitual partiality towards the apprentices, the existence of which, could be supposed only by imputing to the magistrates an habitual disregard of their oaths.

"Thirdly, It is said, that this act requires the apprentice to sustain the *burthen of proof*, which it is declared ought to be borne by the employer; concurring in this opinion as to the party who should substantiate the facts of the case, I do not adopt the construction which is thus given to the law. I cannot perceive that the act requires, nor do I think that it was meant to require, that the apprentice should prove his right to be excepted from the protracted servitude, at least until his liability to it, had been first made out by evidence adduced by the employer.

"Fourthly, The power of selecting an umpire is vested in the employer, provided he makes his choice from the list of special magistrates; considering the number of gentlemen comprised in that list, and their various opinions, I know not how to answer the remark, that this is to give an unfair advantage to the employer. He has the choice of the ultimate judge within a circle, wide enough to secure to him great advantage from the possession of it. The chief justice of the island, would certainly appear to be the proper umpire on these questions.

"Fifthly, The ratification of all antecedent agreements is objected to, because it might give validity to some, into which the apprentice had entered in ignorance of his rights. If the law must be construed as precluding those objections by which the validity of any contract ought to be impugned, then I should regard this remark as conclusive, but I conceive that the act does not require this construction, but it is understood as referring only to contracts entered into in good faith, and without any unfair advantage being taken of the ignorance of the weaker party.

"Sixthly, It is provided by this act, that all tradesmen who are in the occupation of lands for their support, and who have had to their own use for the cultivation of such lands, the extra time granted to prædial apprentices under the abolition act, shall be classed as prædials. Now the 4th section of the Act of Parliament, 3 and 4 Wm. IV. cap. 73, provides, "that no person of the age of twelve years and upwards shall, by, or by virtue of any such act of assembly as is therein mentioned, be included in either of the said two classes of prædial apprenticed labourers, unless such person, shall for twelve calendar months, at the least, before the passing of this present act, have been habitually employed in agriculture, or in the manufacture of colonial produce." The criterion by which parliament has thus determined who shall be prædials, is essentially different from that, which is given in the act under consideration. The two are incompatible, and in this respect, repugnant to each other. The consequence appears inevitable, that the Act of Assembly must be disallowed.

"The enactment is indeed vindicated by a preamble, which states, that doubts may arise from the mixed nature of the employment of these persons, and refers to certain instructions issued by Lord Sligo, under which *plantation tradesmen* were classed as prædials. Although I do not perceive the alleged obscurity of the Act of Parliament, yet if its meaning be really doubtful, that doubt must either be solved by its authors, or explained by the judges. A colonial legislature has no power to pronounce an authoritative interpretation of an act of Parliament. In reality, however, the act of Assembly does not attempt to remove the alleged ambiguity. It does not state the meaning of the parliamentary rule, but substitutes for it, a new and different regulation. With the utmost deference for the judgment of Lord Sligo, I cannot regard his lordship's authority as adequate to the purpose for which it is cited.

"You will impress on the Council and Assembly, the indispensable necessity for the revision of this act in their approaching session. The necessity of a law for ascertaining the class to which each labourer is to belong, was distinctly asserted in the act of Parliament, and is now as distinctly admitted by the legislature of the island. I should be wanting in the frankness which I owe to you, and to the Council and Assembly, if I should forbear to avow the determination of Her Majesty's government, not to acquiesce in any measure which does not correspond with, and give effect to, this part of the compact entered into between Great Britain and the Colony."

Upon this Despatch one or two observations require to be made on topics which still appear open to misconstruction.

1st. If, by the full communications recommended, under the first head of objection, personal notice of the nature and consequences of an Act of Classification be intended, no further objection to this clause need be raised; but when the ignorance and the abject condition of the apprentices are considered, surely nothing short of these precautions, can be deemed sufficient in the case of an enactment, the consequence of which may otherwise be to deprive them, without any fault of their own, of the possession of liberty for two whole years.

2ndly. On the subject of previous agreements between the employer and the apprentice for an exchange of classes, it may be remarked, that as under this clause the greatest amount of injustice may now be done, it seems to be in the last degree important to require, in all such cases, the strictest legal evidence, not only of the existence, but of the *bona fide* character of any such previous agreement. A refusal to recognize a doubtful arrangement of this kind, would, at most, only impose upon the employers, the trouble of proving his right: while the too easy recognition of such an arrangement, would inflict upon the apprentice the penalty of two whole years of additional bondage. In confirmation of this view, reference may be made to the 50th section of the 1st Jamaica Act, which prohibits any contract whatever between the employer and the apprentice for labour, without the sanction of a special magistrate; and even with that sanction, authorizes such contracts only for one year.

It may not be improper, moreover, to suggest, that in cases of classification hereafter to be referred to the chief justice, the criterion should be so fully explained as to prevent the possibility of future misconstruction; a danger by no means to be overlooked, since the decision of *Bayley v. Ewart*, in the case of registration above-mentioned.

The absolute necessity of an Act of Classification, with a view to the present and future welfare of the negro, will appear from the following despatch.

Despatch from Lord Glenelg to the Marquis of Sligo, dated Downing Street, 22nd January, 1836.—*Vide Parl. Pap. sess.* 1836, *No.* 166—I, *p.* 147.

My Lord,—"I have received your lordship's despatch, dated the 5th of December last, proposing for my solution three questions, respecting the classification of apprenticed labourers.

"Your lordship has stated your opinion in reference to the cases you have supposed, and has thus left to me only the task of informing you, that it coincides with mine. In one respect indeed, I would qualify my subscription to your lordship's view of the law. Your words might seem to imply (what, however, I am assured is not your real meaning,) that the class to which a labourer must be assigned would depend on the nature of his employments, subsequently to the 1st of August, 1834. Your meaning of course is, that the criterion is to be sought in the nature of the employments pursued during the twelve months which immediately preceded the act of parliament for the abolition of slavery.

"I collect from your lordship's despatch, that there have never yet been prepared in Jamaica, lists for ascertaining the class to which each individual labourer in the Island belongs. It appears to me, however, not only that this was part of the design of parliament, but that it was a regulation nearly, if not quite, essential to the successful execution of the whole scheme; and it has been accordingly adopted in most of the other colonies. Every passing year throws additional uncertainty upon the question, what was the employment of any individual during the year 1832-3. Yet in 1838, it will be necessary to solve that question in reference to a large number of doubtful cases, and it is not difficult to foresee the confusion and the danger to the public tranquillity, which must arise from the simultaneous agitation in every part of the island, of claims to immediate freedom, the admission or rejection of which, must depend on facts, of which the most recent, will by that time be distant by five, and the most remote by six years. To obviate this risk, I think it necessary, that lists should be prepared with all practicable despatch, under the authority of the local legislature, in which lists, each apprenticed labourer in the island, should be assigned by name, to the class of which he is a member, and that according to the plan suggested in Lord Stanley's circular despatches, provision should be made for correcting such lists, and for

hearing and disposing of appeals against the improper insertion or omission of any particular name in them. By the 1st of August, 1838, such a process as this, will be inevitable. To postpone it till then, is but to delay a troublesome inquiry, at the expense of greatly enhancing both the difficulty and the danger."

The manifest justice and extreme urgency of this measure, appear, however, to have produced no suitable impression upon the legislature of this refractory colony. A few months only will elapse, before the non-prædial class will be entitled to their freedom, yet the latest Jamaica papers bring no intelligence of any new act having been passed on the subject.

Classification in British Guiana.

The doubts expressed in the Anti-Slavery statement, respecting classification in British Guiana, are founded not only on intelligence recently received from that colony, but on the Governor's own Proclamation on that subject as follows:

Extract from the Proclamation of Sir J. C. Smyth, Bart., addressed to the Slave Population of British Guiana, dated 2nd October, 1833.

"All slaves heretofore usually employed in agriculture, or in the manufacture of colonial produce, or otherwise, upon lands belonging to their owners; or upon lands not belonging to their owners, must continue to serve their masters as prædial apprenticed labourers for six years, either attached or unattached, as the case may be. A mistaken notion has got about, that the coopers, boatmen, and other of the artificers upon a plantation, are to be free at the end of four years. Be assured, my friends, that this is a mistake, and whoever tells you so, talks foolishly. If you listen to such people, you will only get yourselves into difficulties. All *plantation slaves*, of whatever description, are to be classed as prædial apprenticed labourers, and must serve an apprenticeship of six years. If, therefore, any plantation slave complains, that he ought to be in the class to be called non-prædial, and which class will have to serve an apprenticeship of four years only, he is losing his own time, and taking up that of the protector, the fiscal, or that of the justices, as the case may be, very unnecessarily and unprofitably. I hope, therefore, that no complaints of this sort will be made."

It seems that the term "*plantation slaves*," is equivalent in that colony, to the expression, "all slaves of whatever description on plantations."

In consequence of this proclamation, (the second that was published,) it appears, that all apprentices on plantations in British Guiana, without exception, have been registered as non-prædials, and that not a few domestics and tradesmen residing even in George town and New Amsterdam, have been registered as prædials unattached.

It is much to be regretted, that any doubt should have been thrown upon the right of the apprentice in this colony to redress in case of erroneous classification. On this subject, Sir J. C. Smyth, in a despatch to Lord Glenelg, of the 13th November, 1835, (vide Parliamentary Papers, sess. 1836, part iii—ii. p, 99.) writes as follows:

"That returns prepared in such a hurried manner, should contain many accidental errors, it is easily to be imagined. It is moreover to be borne in mind, that the words "prædial attached, prædial unattached and non-prædial" were perfectly unintelligible to the mass of the labouring population, and indeed in very many instances were not clearly comprehended by the managers and attornies. Under these circumstances, I do not wish in the slightest degree to disturb these registration and classification lists, as far as the pecuniary interests of the parties concerned may be involved, or the compensation question be affected. The words "prædial and non-prædial" are, however, now better understood by the labourers, and it appears to me, that it would be at variance with the act for the abolition of slavery to compel a labourer (who can show by indisputable proofs that he ought to have been classed as a non-prædial) to continue in the class of prædials, because his employer has erroneously so returned him, (whether fraudulently or accidentally,) and to afford two additional years of gratuious labour more than the law has prescribed. The remedy which has occurred to me as best applicable, and which I conceive it my duty respectfully to submit to your lordship, is for His Majesty in Council to declare, that so long as the system of apprenticed labour

continues, so long the judges of the supreme court may and are to receive all and any complaints, whether from apprenticed labourers, or parties acting for them; or the special justices relative to any alleged erroneous classification of such labourers; and that the said judges be authorized and required to hear and decide in a summary way in all such matters, with method, punctuality and dispatch. I humbly conceive, that some such arrangement is absolutely necessary to ensure to every one the possession of that exact situation to which the law for the abolition of slavery entitles him. With reference to the foregoing remarks, I take the liberty of laying before your lordship the particulars of two cases out of the many, which have been made known to me."

It might have been hoped that a construction at once so natural and so just, would have met with the immediate approval of Lord Glenelg; it appears, however, from his despatch of the 22nd January, 1836, (vide Parliamentary Papers, sess. 1836, part iii—ii. p. 104.) that some legal doubt of the correctness of such a construction existed in his mind, the solution of which does not appear. And a practical difficulty of a singular description has been raised, which depended of course upon the legal question. 'If a non-prædial apprentice has been erroneously classed as a prædial, (it is asked) how is satisfaction to be made to the employer for the diminished hours of labour previously performed? In a practical point of view, there would seem to be no difficulty at all, since the error in a vast majority of instances must be the employer's own, who ought, therefore, to bear the loss; but should it happen to be otherwise, the additional value of the apprentice's labour as a prædial, to say nothing of his additional hardships in that service, would be more than a sufficient counterpoise. In point of fact, such is the value of prædial labour in British Guiana, that every advantage has been taken by the planters to compel non-prædials to perform this service; and the practical question now is, what compensation shall be made to those who have been so illegally and oppressively treated?

This appendix might be greatly enlarged, by quoting correspondences and documents relating to the state of classification in other colonies; among these might be especially noticed the decision of the chief justice at Grenada, in the case of *Betsey v. Leid*, which places the right of appeal against incorrect classification, in that colony, upon an equitable footing; but it will suffice to refer generally for information, to the papers already laid before the Parliamentary Committee.

APPENDIX G.

LABOUR.

Despatches and other documents and evidence, shewing the state of the Laws and practice in the Colonies on the subject of Labour.

The following general principle regulating apprenticeship labour, appears to have been to a great extent, overlooked or violated, both by Colonial Legislatures and Planters.

Extract of a Circular Despatch from Lord Glenelg, dated 30th January, 1836. Vide Parl. Pap. sess. 1836, No. 166—I. p. 10.

"It must not be forgotten, that the conditions under which society has hitherto existed will, on the expiration of the apprenticeship, undergo an essential change. During slavery, labour could be compelled to go wherever it promised most profit to the employer. Under the new system it will find its way wherever it promises most profit to the labourer. If, therefore, we are to keep up the cultivation of the staple productions, we must make it the immediate and apparent interest of the negro population to employ their labour in raising them."

The following extracts from official despatches will shew the capricious motives and the pernicious operation of the method commonly called the *eight hours system* in Jamaica.

Extract of a Despatch from the Marquis of Sligo to Lord Glenelg, dated August 17th, 1835. Parl. Pap. sess. 1836, part iii.—I, *p.* 71.

"Since crop is over, however, I am sorry to say, that *meetings have been got up in many places* to establish what they term uniformity of hours of labour, which merely means to work on the *eight hours system*. Where those meetings have not been held, this plan has been adopted individually in many. I may say *by far the majority of instances*. What may be the real motive, is not for me to say; but the apprentices are all very much discontented, and many of the specials have in their letters to me deprecated very much the system. I should hope, that it has not been adopted for purposes of annoyance, as is generally here considered, but it bears very much the appearance of it; the effect of it however is, that it deprives the negro of all power of applying himself to the cultivation of his grounds, the time especially given to him for the purpose. I have latterly been making some inquiries on the point, and find that the provision grounds are in very many instances at a considerable distance from their homes; this is no fault of the owners, as the ground adapted for the production of sugar is from various causes seldom fit for negro grounds. I know of many cases where the proprietor has been put to great expense to hire or buy provision grounds for his people, and been unable to procure them within *ten* or perhaps *fifteen* miles. In my own case, having two estates, I offered the negroes on the lower one, the choice of the ground for themselves, and they have unanimously preferred going nine miles off to my other estates, to cultivate grounds there, though it is so unproductive as a sugar estate, that I have determined on removing the whole gang down to the lower one, which is most valuable alluvial soil, equal, if not perhaps superior to any in the island. The enemies of the eight hours' system here say, that out of crop, there is not the same urgency for labour now as in crop time, and that such being the case, the leaven of the old planter breaks out, and that the change is made solely for the purpose of diminishing as much as possible the newly-acquired liberty of the apprentices. I should be unwilling to believe this; but I am confident that no more injudicious measure could have been adopted, or one more likely to destroy the budding confidence of the apprentices in the good faith of the master. I am sorry to say, that I think the proprietors here, cannot get rid of the old feelings which used to predominate in the time of slavery, and one of the greatest proofs of the evil working of that now abolished system, is the utter want of mutual confidence, which I find to have prevailed since I have been in Jamaica. As soon as I received your lordship's despatch, enclosing Mr. Blyth's complaints, I saw at once that the point on which the whole turned, was the legality or illegality of the eight hours' system, I therefore at once resolved on making this as clear as possible. I applied to every member of the bar here, seven in number, for their individual opinions on the construction of the 47th clause," (of the Jamaica Act), "and the right of the master to apportion the hours of labour.

* * * *

It seems that there is no difference of opinion on the main point, namely, that of the right of the master, to apportion as he pleases, the hours of labour, but those which more nearly coincide with my views, are those of the Attorney-General and Mr. Edwards. I have thought it expedient to lay the whole matter before you, and request the expression of your opinion, what line I am to take on the subject; the policy of the eight hours' system, I consider to be bad, and I do so after *a year's close watching of the negro character*. I am confident, that the feeling which makes the greater part of the proprietors adopt it, is one which will be fatal to the success of sugar cultivation after the apprenticeship shall have terminated they are neglecting to avail themselves now, of the authority which remains to them, to bring about a conciliatory feeling between them and their apprentices, which they will find impossible to establish after the year 1840. To them in such case will be fairly attributable the failure, if it shall take place, of the new system, and not to the projectors of the law. Much may depend on the line which may

be adopted by the Government with regard to the eight hours' system. I cannot help saying, that the minds of the negroes would be by far more satisfied if the nine hours' system were adopted; but finding that I cannot by law enforce it, I deem it my duty to seek your instructions on what I deem so important a point.

Extract of a Despatch from Lord Glenelg to the Marquis of Sligo, in reply to the above, dated 5th October, 1835. *Parl. Pap. sess.* 1836, *part* iii.—1, *p.* 73.

"It appears to be universally admitted, that the construction which would be most beneficial to the labourers themselves, is that which would exempt them from work in their employers' service on Friday afternoon. On the other hand, the accuracy of this construction is unanimously denied by all the gentlemen with whom your lordship consulted on the occasion. I see no valid ground on which the conclusion adopted by them all could be controverted; neither do I think it reasonable to expect that the local legislature would agree to any change in this part of the law! A recommendation to secure to the labourers for the cultivation of their provision grounds the afternoon of every Friday, might of course be addressed to the council and assembly; and the responsibility of rejecting that salutary proposal, might in that manner be thrown upon them; but I am strongly opposed to proceedings of this nature, except on the most urgent and serious occasions. Enough, and in truth far more than enough, has already occurred, to induce the negro population to draw invidious distinctions between the disposition towards them of the executive government on the one hand, and of the local legislature on the other; and however inevitable may have been the causes which have compelled the Ministers of the Crown or the governors of the island to provoke this unfortunate contrast, it is obviously pregnant with many great evils. The interest of all parties demands the growth and encouragement of mutual confidence between the minority who possess the wealth, intelligence, and lawful authority in the colony, and the great body of the people, separated from them by so many natural and social distinctions. I, therefore, think it more wise to *acquiesce silently in the inconvenience which the refusal of the half Friday in every week may occasion*, than to enter into a contest for the redress of that evil, with a distinct conviction, that though there is *no prospect of success*, there is a high probability of widening the breach which it is my duty as far as possible to close.

Extract of a Despatch from the Marquis of Sligo to Lord Glenelg, dated 5th September, 1835. *Parl. Pap. sess.* 1836, *part* iii.—1, *p.* 78.

"For the last three weeks, the reports which I have received from the Special justices have been full of cases of complaints against gangs of negroes and individuals, for insubordinate conduct, originating in the change, from the nine hours' system to that of eight hours.

"My impression was originally, that the latter was the most humane for the negroes. Having however, seen that it was disagreeable to them, I have done my best to cause the nine hours system to be adhered to. The matter however, has been so forcibly brought to my attention by the reports of the magistrates, that I have felt it my duty to write a circular to the custodes, a copy of which I have the honour to enclose, and hope you will approve it.

Meetings have lately been *very generally* called for the purpose, as it is termed, of promoting uniformity in the hours of labour. The real object of which, however, is to make those proprietors or managers who have adopted a different plan, fall into the eight hours' system. That this is not really done for the purpose of getting more work performed is, I think, proved by the fact, that during crop time, while it was more their interest to get work completed, *than it can be now out of crop*, it was universally the habit to work on the nine hours' system. Now that they require less work, on many properties the *system of wages is dropped*, and they have in many places changed to the eight hours' plan. That this is done *for the purpose of annoying the negroes*, it is my painful impression.

In furtherance of my opinion, as to the reason why the eight hours' system is adhered to, I enclose you the copy of a letter of the custos of——. You will therein see, that his motive for pressing it is, because it will prevent the negroes

from attending *sectarian* places of worship. Now if they have zeal enough to travel six miles and back, after their day's labour, to attend worship, or still more, as stated, sixteen miles, it is too bad to attempt to stop them by adopting a system which will have no other effect but that of annoying them, and preventing their religious instruction."

Copy of a Despatch from Lord Glenelg to the Marquis of Sligo, dated 4th November, 1835, *vide Parl. Pap. sess.* 1835 *No.* 166, *p.* 30.

"I have received your despatch of 5th September, enclosing a copy of a circular addressed by your lordship to the custodes, on the 25th of August, on the subject of the arrangement of the hours of labour required of the apprentices. I entirely approve of the course which your lordship has taken with reference to this subject, and I trust that the proprietors will receive your advice in the same spirit in which it has been offered, and will concur with your in adopting such an arrangement as will be most conducive to the interests of all parties concerned.

"It is with deep regret, that I learn that there is any probable reason to believe, that the hours of labour have been fixed, in any case, for the purpose of annoying the apprentices. Such a motive would be still more open for censure, if it prompted any needless interference with the feeling which induces the apprentices, after the labour required of them has been performed, to frequent places of worship, although not in connexion with the established church.

"The view which your lordship takes of this subject is so correct, as to render it unnecessary for me to do more than to express my full concurrence in the sentiments which you have expressed.

"I will only add, that I trust that such instances as I have adverted to, are extremely rare, and that the good sense and just feeling of the large body of the proprietors, will induce them to exercise their rights with reference to the employment of their apprentices, in a manner the most calculated to promote their own interests by conciliating the good-will and confidence of the labouring population."

Extract of a Letter from Mr. Special Justice Fitzgerald to the Marquis of Sligo, dated 6th October, 1835. *Vide Parl. Pap. sess.* 1835, *No.* 166, *p.* 101.

"I think it right to inform your Excellency, that some overseers in this district have given me notice, that they intend adopting the eight-hour system, instead of the nine-hour as heretofore. I have therefore to request, that your Excellency will be pleased to inform me, whether their doing so, is according to the spirit of the forty-seventh clause of the Act for the Abolition of Slavery, which gives the apprentice four-and-a-half hours per week out of his master's forty-five, for the cultivation of his provision grounds. From the general position of these grounds in this district, the hour a-day which the eight-hour system leaves the apprentice, would be consumed in the mere going to the grounds, and the object of the law as far as any benefit was intended to him frustrated; the power of changing from one system to another, is professedly used as a means of annoyance and punishment of the apprentice. How far this is consistent with the spirit of an act intended to take the power of punishing from an employer, and vest it exclusively in the special megistrate, is a point, I have to submit to your Excellency for decision, it being clear that from the frequent recurring of the cause some decisive rule should be applied to it."

Extract of a Letter from Mr. Special Justice Woolfry's to the Marquis of Sligo, dated Villa Ocho Rios, November 1st, 1835. *Vide Parl. pap. sess.* 1836, *No.* 278—11, *p.* 159.

"On those properties where the nine hours' system of work is carried into operation, and the half of Fridays is allowed, I observe a great deal of contentment prevails; but on those properties where the master is said to work their apprentices eight hours, and not allow the half of Friday, the people are very much dissatisfied; and the dissatisfaction appears to be increasing, as they often allege they are cheated out of part of the dinner time and afternoons, but which it is difficult to prove."

The general prevalence of the eight hours' system in Jamaica during the first year of the apprenticeship, and its frequency during that period, will be further gathered from the admissions of Sir George Grey in his evidence before the Parliamentary Committee, (vide questions 5532, 5533, 5530.) The slight mention subsequently made of this topic in official documents, is explained by the supposed inutility of remonstrance, (vide extract above cited, 5th October, 1835.)

The facility which this system affords for defrauding the apprentices of their own time, as stated in Special Justice Woolfry's return, will be further inferred from the opinions of other witnesses examined by the Parliamentary Committee, *vide* Dr. Madden, a special justice, question 402; Captain Oldrey, a special justice, 3224, *et seq.*; and Mr. Beaumont, a planter, and late member of the House of Assembly, question 4043, *et seq.* From the united testimony of these gentlemen, it appears, that negroes upon plantations generally, have no means of accurately computing time; and these witnesses express a decided conviction, that advantage is taken of this circumstance by ill-disposed managers and overseers. Mr. Beaumont, moreover, in his answer, 4056, says, that the present plantation system cannot be carried on "*unless the negroes occasionally work thirty-six hours at least continuously.*" There can be no reasonable doubt, indeed, that a more exact apportionment of time has been purposely omitted by the Colonial Legislatures in general, with a view to the convenience of planters, and the ordinary management of estates; and the attempt to deny or disguise this object can accomplish no other end than that of increasing suspicion, as to the extent of its practical abuse."

BRITISH GUIANA.

The following extract will exhibit the facilities for fraud afforded in this Colony by the seven and a half hours system, which, in like manner with the eight hours system in Jamaica, apportions the period of service due to the master, into *fractional parts of days*, instead of dividing it into whole days of service. In British Guiana, the hardship of this method is greater, because the apprentices being fed almost entirely by rations, and the whole of the forty-five hours per week thus becoming due to the master, the benefit of a leisure day is entirely withdrawn.

Extract from a Proclamation, by His Excellency Sir J. C. Smith, Bart. &c.

"Whereas considerable discontent exists among the labouring population upon many estates, in consequence of their not having derived so much immediate benefit from the late change in their situation, as (notwithstanding the full explanations they have received) they still (it would appear) imagine they are entitled to: and whereas such misconception on the part of the labourers is in a great measure to be traced to their ignorance of numbers, and to their being unaccustomed to reckon by the fractional parts of a day; and whereas there is no other method of ascertaining when the seven and a half hours which the labourers ought to work per day have elapsed, than by the watch of the manager, and in which method of computing time, the labourers cannot be expected to place implicit confidence. Now, having taken those things into my most serious consideration, and being duly impressed with the necessity of making the labourer happy, contented, and grateful for the amount of time which the law leaves at his own disposal, I do hereby earnestly recommend to all landed proprietors, and to the attornies of absent proprietors, to direct the managers on their respective estates, to take the forty-five hours of labour which the law allows per week, at the rate as formerly of nine hours per day of five days of the week, and to grant to the labourers the sixth day (Saturday) entirely to themselves. No other arrangement will be so effectually promote that good feeling between the proprietor and the labourer, without which, the cultivation of the soil cannot be permanently carried on with advantage."

In this judicious recommendation, the planters generally, have refused their concurrence, and the consequence is, that the negroes are understood to be employed during the whole six days of the week.

ST. CHRISTOPHER'S.

The following extract will further illustrate the mischief of fractional divisions of the day.

Extract from a Despatch of the Lieutenant-Governor of St. Christopher's, dated 6th October, 1834, (Vide Parl. pap., Sess. 1835, part II. continued, p. 93.

"It is a matter much to be regretted, that the Legislature of this Colony has not defined the hour for work. Numerous estates prefer working their people nine hours per day for five days, giving the Saturday to the negroes; other estates insist upon the labourers working every day for seven hours and a half, by which means, the apprentices are deprived of the Saturday to go to market with their produce for sale, or to work for the maintenance of their children under six years of age: this system is very vexatious, and particularly inconvenient to the apprentices.

I see little or no likelihood of inducing the Assembly, who are chiefly composed of agriculturists, to correct this evil, as it takes from the planter or his agent, the power of punishing their labourers for offences, real or imaginary, at his own discretion, by depriving him of his Saturday; a power, I should think, much better vested in the hands of the special magistrate."

Scales of Labour.

However strong the objection to scales of labour may be, even when prepared with the utmost care, and not by planters themselves, but by disinterested parties, yet that some method is required for assisting the discretion of the special magistrates, as to the proper amount of work to be done, may be inferred from the immense proportion which punishments for insufficient labour bear to all other punishments put together. Whether, however, the construction of a uniform scale, upon equitable principles, be feasible or not, it is at least, matter of just surprise, that so delicate and important a task, as that of preparing this scale, should in any colony have been intrusted exclusively to a committee of persons most interested in fixing it high, and whose judgments must be necessarily warped by their previous habits of slavery.

In British Guiana, however, a scale of labour drawn up by a committee of planters, has been sanctioned by the Governor, yet not without the remonstrance of one gentleman in this colony (Mr. Ross) who was summoned to assist in preparing it, but who declined to do so, on the humane ground of its being prejudicial to the interests of the apprentices. The excitement produced by this scale of labour, coupled with the seven and a half hours system, appears to have been the proximate cause of the offences of *Damon and his associates*, whose melancholy fate is detailed in the Parliamentary Papers, part ii. p. 170, *et seq.* The scale of labour in question is printed in p. 132, *et seq.* of the same volume; but it is due to the Governor to state, that he has invariably instructed the special magistrate to consider this document as a guide only to their own discretion, and not as an authoritative rule binding upon them.

A scale of labour has, in like manner, been drawn up in Barbadoes, by a Committee of Planters, and sanctioned by the governor, Sir Lionel Smith. (Vide Parl. pap. part iii. (2.) p. 20, *et seq.*) In speaking of this scale, Sir Lionel Smith observes, in a despatch, dated 8th December, 1835, (Parl. pap. part iii. (2.) p. 16.) that it had been constructed with a view to "prevent those frequent misunderstandings which created discontent and confusion in the estates;" and that although it had then been above a month in operation, he had not received a "single complaint from either party." It is, nevertheless, a suspicious circumstance, that the official returns of punishment for the month in which he wrote, and the three following months, exhibit a vast increase of punishment, for which no cause whatever is assigned.

The Parliamentary Papers afford a much larger mass of evidence on the evils resulting from the unsatisfactory distribution of the hours of labour, but the Anti-Slavery Committee conceive, that the above extracts are sufficient to illustrate the nature of their objections. On the defective character of most, and the positive grievance of many of the Colonial Laws, on the subject of continuous labour, night work, and other incidental matters, they would again refer for further information to the printed Papers generally, and to the Analysis of West Indian Laws,

in the Appendix to the Report of the Parliamentary Committee on Negro Apprenticeship, p. 83, *et seq*, and especially to the most objectionable labour regulations of Trinidad, p. 99.

The subject of *extra labour* and *wages*, will be considered under the head of unnecessary restraints upon the apprentice in his own time.

APPENDIX II.

Colonial Regulations as to Food and other Maintenance and Allowances.

The design of this Appendix, which proposes only the elucidation of certain points specially reserved in the Statement for further explanation, precludes the introduction of much important matter on this most vital portion of Colonial arrangements.

Before these reserved points are more specifically considered, it cannot, however, be too strongly insisted, that apart from the discussion of all technical difficulties, one thing is absolutely certain, namely,—that by the express language of the Imperial Act of Abolition, not less than by its manifest spirit and intention as a remedial measure, the securing to the negroes an *adequate* provision for their subsistence during the proposed period of transition, was made a *fundamental* condition of the apprenticeship compact—a condition, which admitted neither of compromise nor subterfuge. It was, indeed, the essential counterpart to a Covenant for labour in the planter's service. The same solemnities which insured to the planters a temporary property in the services of their bondsmen, irrevocably guaranteed to the bondsmen themselves, an amount of food adequate to sustain their labours,—food, however, which at the best, must necessarily be to them, the bread of affliction and sorrow. To withhold this scanty benefit from them, therefore, or any portion of it, while rigorously enforcing the planter's side of the compact, is to add fresh injury to original injustice,—it is to render a condition intrinsically anomalous and oppressive, still more odious and intolerable. On such a subject it is vain for the planters to urge the ruinous consequences of even-handed justice. No one compels them to prolong a ruinous compact. If the painful service of the oppressed negroes, be really not worth their miserable subsistence, *why "not let the people go?"* But the tenacity with which this hard compact is still retained by their selfish task-masters, sufficiently proves the hollowness of such a pretence. In the course of the notes on this subject, it will in fact be seen, that in times preceding the passing of the Abolition Act, a determined resistance to the legitimate authority of the mother country has usually lurked beneath the pretext of poverty and ruin. Should the planters be advised, under the altered circumstances of the case, to persevere in these most unworthy expedients for evading the demands of justice and humanity, (as recent events certainly appear to threaten), an appropriate and final remedy must assuredly be found by the Imperial Parliament, who, after so enormous a grant of public money for the sole benefit of the planters, are especially bound to vindicate the honour of the nation, and to fulfil their own most sacred guarantee, that for so long a period as this mitigated form of slavery is permitted to continue,—the food of the negro, though bitter, shall at least be adequate, and his allowances, though far below his desires, shall at all events be sure.

The points to be more particularly alluded to, will now be considered in the order in which they occur in the Anti-Slavery Statement. The first of these will be the question of

Allowances and Indulgences in Jamaica and other Colonies.

By the 11th section of the Imperial Act of Abolition, these allowances are to be the same "as by *any law* now in force in the Colony," "an owner is required to supply to and for any slave being of the same age and sex." And by the 16th section, it is declared, that "in cases where the laws at present existing in

any such Colony may not in the case of slaves, have made any regulation, *or any adequate regulation*," for determining the amount and quantity,—fresh regulations, will become necessary, and may be made by the Colonial authorities.

The Abolition Act of Jamaica, which purports to have fully executed this provision of the Imperial Act provided only, that the future subsistence of the apprentices should be regulated by the terms of a single Colonial Act, entitled "An Act for the Government of Slaves," which does not specifically include the allowances now under consideration.

It became, therefore, a matter of great importance to the welfare of the negroes, to ascertain whether the expression employed in the Imperial Act, namely, "any law," was fairly construed by the adoption of this single Colonial Act, supposing the language of that Act not to include the disputed "allowances."

It was contended by the Counsel examined by the Parliamentary Committee as witnesses on behalf of the negroes, (vide questions 228, *et seq.* 234, and questions 1173, 1174, and 1177, Appendix to the Report on Negro Apprenticeship), that the Imperial Act, being a remedial measure, and requiring, therefore, to be liberally construed, the word "law" employed in the 11th section, must be accepted in its most comprehensive sense, so as to include "all customs, having the force of law,"—for that otherwise, the condition of the negroes in respect to these vital provisions, would, under the new system, be,—what the Imperial Legislature certainly never intended it should be,—considerably worse than it was before the passing of that Act; and, hence it followed, that if the Colonial "Act for the government of Slaves" did not include such customs,—additional and adequate regulations were become necessary. This view of the subject, fully confirmed the previous opinion of the Attorney General of Jamaica, as to customary rights in general, which will be found under question 466, as follows:—

"The Slavery Abolition Act, is a remedial act, and to be construed liberally, in order to effectuate the benevolent intentions of the Legislature; the slaves, now apprentices, are not to be placed in a worse condition than they heretofore were; their allowances, some of them, were by custom, but so too was slavery itself, for it never at any time had any support, save from custom, which, when universal, as it was in Jamaica, is law; slavery is, and was, however, contrary to common law; and as it invoked the aid of custom as making it valid, so I conceive, may the apprentices invoke custom in the support of their usual allowances, even whilst they are in the intermediate state of apprentices. This refers to the non-working in the field, women, who have more than six children living; which besides, is sustained by the apprenticeship law, it declaring that apprentices shall have the usual allowances. This refers to the case of suckling infants, for which the slaves were allowed heretofore, time, out of the time devoted to labour; and further, in all these cases, I say that universal custom is law. As to by-paths, they must be permitted; no constable's oath either was intended to, or could control the law. By-paths long time used, cannot be stopped up. This was decided in England, in a celebrated case in which the highest personages in the realm were parties. I have also to state, that the law never intended to prevent persons repairing to estates, who had just cause so to do, though they did not belong to the estate. I conceive that an apprentice's wife has as good right (such having been the custom) to remain with her husband on the estate, as the overseer himself has; his grounds for the time are, as it were, his, as truly as those of a cottier in the mother country are his, save that he cannot use them for any purpose other than his immediate purposes of support."

The nature of these "customary allowances" in Jamaica, will be inferred from the answer to question 469, as follows:—

"It has been the custom for a number of years past, in the parish of Trelawney, as well as most other parishes in this island, to give the negroes upon the estates, a weekly allowance of herrings and salt cod-fish, also oatmeal, flour, sugar, rum, &c., and sundry articles of clothing at crop-over and Christmas, as a reward for good conduct; and to women with six children, a weekly or daily allowance (according to their respective cases) of rice, sugar, &c."

"And this, &c." (as stated in the Analysis p. 13 of the Appendix to the Parliamentary Report) "is understood to have practically comprised the time allowed to mothers nursing, and the employment of a certain number of negroes

in cooking and preparing the labourers' meals, and, in short, most of those other conveniences which experience had proved to be indispensible."

The argument for the opposite opinion,—that apprentices are not entitled to "customary allowances," as not being specifically included in the provisions of the Abolition Acts,—will be found in the answers of Mr. Burge, to questions 2720, *et seq.*, and in the opinion of Mr. Batty, under question 470, which is as follows:—

"I am of opinion, that under the Abolition Act," (*i. e.* the Jamaica Act) "the apprentices are not entitled to the indulgences and allowances above alluded to. The 16th section of the Act, gives them the same 'food, clothing, medicine, medical attendance, and such other maintenance and allowances,' as the owner was required to supply a slave, by the Act for the Government of Slaves, 1st William 4, cap. 25. Now, on referring to this Act, it will be found, that the only clauses in that Act on the subject, are the 11th, 12th, 13th, and 17th, neither of which specify or require the allowances above mentioned, to be given to the negroes; the 11th provides, that owners, &c. shall inspect the provision-grounds, and where the negro-grounds are unproductive, or there is no land proper for provisions, 'shall by some other ways and means make good and ample provision for all such slaves as they shall be possessed of, in order that they may be properly maintained and supported, leaving the mode and nature of the support to the discretion of the owner.' The 12th clause, requires 'every owner to provide proper and sufficient clothing, to be approved of by the vestry.' The 13th requires an affidavit that the grounds have been inspected, and that every negro is 'sufficiently provided with grounds,' or 'where there are no grounds, with ample provisions,' as required by the 11th section. The 17th section, compels every owner to provide infirm and disabled negroes 'with sufficient clothing and wholesome necessaries of life.' The 8th section of the Act in Aid of the Abolition Act, passed 2nd July last, has no clause respecting allowances to the apprentices, except the 8th, relative to sick apprentices, who, under it, are to have the same medical care and attention, as has heretofore been customary. It is clear therefore, that, by the Slave Act, an owner is not obliged to give any of the above allowances, but merely to provide sufficient grounds fit for the cultivation of provisions. The 23th section of the English Abolition Act, from which our Act is taken, makes this more clear, as it expressly says in case of prædial apprentices, that the owner shall provide them with ground adequate for his or her support."

It will be observed, however, that this opinion is almost exclusively derived from the Jamaica enactment; and that, if correct, it only confirms the objection urged on the other side, that the existing Jamaica regulations are inadequate. It will also be observed on reference to question 2747, *et seq.*, but especially to question 2756, that on a former examination before the Lords' Committee, Mr. Burge himself, distinctly affirmed the paramount force of usage in the Colonies; which, according to his impression at that time, went "infinitely beyond the *written law* in favour of the Slave, in some instances, *enlarging* those provisions which are beneficial to him; in others *mitigating*, in others, *superseding* enactments of discipline." The effect of the first examination, evidently being to give the largest amount of credit to the planters for their past conduct,—that of the second, to render their liabilities as little onerous as possible for the future.

The extent to which the privation of these "customary allowances" has been carried in Jamaica, as well as the essential importance of some of them to the health and comfort of the apprentices, will be ascertained by reference to the evidence of Dr. Madden (vide Question 890, *et seq.*; Captain Oldrey, 3124, *et seq.*; Mr. Beaumont, 4383, *et seq.*; and Mr. Oldham, 4061.) With respect, however, to the vital necessity of "salt and salted food,"—a part of the allowances now withdrawn—it will be proper, more specifically to quote the testimony of a resident medical practitioner, examined on the shameful outrages perpetrated in the House of Correction of the parish of St. John's, who observed on that occasion, "that the description of food served out to the prisoners, *unaccompanied by any salt provisions, was enough to kill them in a week.*" (Parl. pap. part iv. (1.) p. 152. The Parliamentary Committee, indeed, in their Report to this part of the evidence before them, remark as follows:—"It appears that these indulgences have been very generally continued to the apprentice upon the *larger* properties." Various exceptions, however, even to this observation might be quoted, as will appear on reference to the Parl. papers, sess. 1835, No. 166,

p. 210, where it will be seen, that on several properties of the Duke of Buckingham, on the property of Mrs. Smith, and likewise on the property of Mr. Alderman Atkins, these allowances had been totally, or in part, withheld. And on other properties it will appear, that they have been continued only on terms of performing extra labour. But it is unnecessary to inquire further into particular instances of default, since the conduct of the House of Assembly, with regard to the whole of this question, fully ascertains the necessity of Parliamentary interference for the purpose of determining the right of the apprentices to these allowances in future. In a despatch from Sir Lionel Smith to Lord Glenelg, dated the 13th March, 1837, he writes as follows:—

"On assuming the administration of this government, my attention was naturally directed to the causes of the discontent and bad feeling which I found existing, to a great extent, between master and apprentice.

"Amongst these, I felt satisfied that the want of uniformity in the hours of labour, and the absence of some compulsory enactment with respect to providing an allowance of fish, generally called among the negroes "salt," were very prominent. The result of my private inquiries and conversation with some of the principal members of the legislature convinced me, however, that I should fail in any recommendation which I made to the House of Assembly on the latter subject. The argument I had to contend with was, that though the allowance in question was very usually given during slavery, it was not general throughout the island, and was perfectly optional on the part of the master; so that as the Abolition Law only prescribed the same allowances as were formerly given, there could be no good reason for an enactment which should be compulsory in this particular respect." (Vide Parl. pap. sess. 1837, part iv. (1.) No. 521—1.)

It is to be regretted, that Sir Lionel's anticipation, that any recommendation he might make to the House of Assembly on this point, would fail in producing any beneficial effect, has been unhappily realized. For not even the slightest attention appears to have been paid by that body, up to the day of its prorogation, to the following very important message sent down by His Excellency on the 31st October last. Although the message embraces some other points than that of food, (the immediate subject of this portion of the Appendix), it may, nevertheless, be transcribed at length, as additional light will thereby be thrown upon the preceding article "*Labour*," and as the whole relates to subjects of great importance to the comfort and well-being of the apprenticed labourer. The following is a copy of the message:—

"Mr. Speaker,—I am commanded by His Excellency the Governor, to lay before the House, the suggestions alluded to in his late address, on which he is desirous to recommend amendments to such of the laws or practices as have been found by the records of the special magistrates, the principal causes of complaints among the apprentices, and of course great collision between the planters and magistrates.

"In these suggestions, His Excellency proposes nothing which can materially tend to increase expenses not already established by law or usage.

"Prudent and humane planters have already adopted what is recommended, and their properties present the good working of this system, in peace and industry, without their resorting to the authority of the special magistrates; but there are other properties, where neither the law of apprenticeship, or the usages of slavery, have been found sufficient to guard the rights of the apprentices.

'1st. The magistrates' reports show, that on some estates, the apprentices have been deprived of cooks and water carriers while at work in the field—thus, the time allowed for breakfast, instead of being a period of rest, is one of continued labour, as they have to seek for fuel, and to cook. The depriving them of water carriers is still more injurious, as the workmen are not allowed to quit their rows to obtain it. Both these privations are detrimental to the planter's work.

"2nd. A law seems wanting, to supply the estates' hospitals with sufficient attendants on the sick apprentices, as well as for the supply of proper food, as they cannot depend on their own grounds whilst unable to leave the hospitals. The 13th clause of the Abolition Law has not been found strong enough to secure these necessary attentions to the sick.

"3rd. In regard to jobbers, more exposed to hardships than any other class, a law is greatly required, allowing them the distance they may have to walk to their

work, at the rate of three miles an hour, and for compelling the parties hiring them, to supply them with salt food and meal; their grounds are often-times so many miles distant, it is impossible for them to supply themselves. Hence constant complaints and irregularities.

"4th. The mothers of six children and upwards, pregnant women, and the aged of both sexes, would be greatly benefited by a law enforcing the kind treatment which they received in slavery, but which is now considered optional, or is altogether avoided on many properties.

"5th. Nothing would tend more to promote general contentment, and repress the evils of comparative treatment, than the issue of fish as a right by law. It was an indulgence in slavery seldom denied, but on many properties is now withheld, or given for extra labour instead of wages.

"6th. His Excellency, during the last sessions, had the honour to address a message to the House, for a stronger definition of working time. The clause of the act in aid, expressed that it was the intention of the legislature to regulate "uniformity" of labour, but in practice there is still a great diversity of system. The legal adviser of the Crown, considers the act in aid binding; the special magistrates cannot, therefore, adjudicate on disputes of labour under the eight hour system, and the consequences have been, continual complaints and bickerings between the magistrates and managers, and discontent among the apprentices, by comparison of the advantages which one system presents over the other.

"7th. If your honourable House would adopt some equitable fixed principle for the valuing of apprentices, desirous of purchasing their discharge, either by ascertained rates of weekly labour, or by fixed sums, according to their trade or occupation, which should not be exceeded, and allowing the deduction of one-third from the extreme value, for the contingencies of maintenance, clothing, medical aid, risks of life, and health, it would greatly tend to set at rest, one cause of constant disappointment. In proportion as the term of apprenticeship draws to a close, the demands for the sale of services have greatly increased.

"It is in the hope that the honourable house will be disposed to enforce a more general system of equal treatment, that His Excellency now circumstantially represents what have been the most common causes of complaint and discontent among the apprentices, and the island is subject to the reproach, that the negroes in some respects, are now in a worse condition than they were in slavery."

However important the adoption of the measures recommended in this message may be to the future comfort and welfare of the negroes, so long as their apprenticeship is permitted to continue, the fullest recognition of these rights at so late a period, cannot now be accepted, even in the case of this Colony, as a full satisfaction for the privations of the past; and still less in other Colonies, where the ordinary rations have been reduced so greatly below the scale of absolute necessity. A stronger argument, indeed, for an early termination of this oppressive system, cannot be imagined, than that, which naturally springs from the apparent justice of making the easiest compensation to the apprentices, for the faithless manner in which the Imperial Act has hitherto been executed by the Colonists, in these most essential and vital particulars. It is an argument addressed to the plainest understanding,—amounting simply to this, that the value of the food and other allowances, so long and so unjustly withheld from the apprentices, shall now be made up to them,—not by a money compensation, which it might be more difficult to obtain,—but by the release of a certain portion of that labour, which was originally secured to the planters, only on the imperative condition, that adequate food and allowances, should be honestly and scrupulously supplied.

Crown Colonies.

The question of food, and other maintenance and allowances, in these colonies, will be best explained by the official documents which follow in this Appendix, accompanied by such observations only as may tend still further to elucidate them.

The deplorable condition of the slave population of the colonies having attracted the especial attention of Sir G. Murray, during his short possession of office as colonial secretary, a comprehensive inquiry was instituted into the sub-

ject, which fully established the necessity of providing more humane regulations for their future treatment. Lord Goderich, his successor in office, following up the enlightened views of his predecessor, obtained a General Order in Council for the Crown Colonies, dated the 2nd November, 1831, the object of which, was to consolidate and amend the Slave Laws then in existence, and to ameliorate the condition of the Slaves (vide Document No. 2. at the end of this article.) This Order in Council, was transmitted to the Governors of the several Crown Colonies, accompanied by a circular despatch of the 5th November of the same year, wherein his Lordship successfully establishes the necessity and the reasonableness of the new Order, and refutes those interested objections, which he had too much reason to apprehend would be urged against its practical operation. The judgment, high principle, and humanity displayed in this interesting document, together with its important bearing on the present state of the question, entitle it to the most attentive perusal. (Vide Extracts, No. 1. at the end of this article.)

Among the many improvements, at that time deemed to be absolutely necessary, was an augmentation of the food and maintenance of the slaves, and these, after the most mature deliberation, were accordingly fixed at the specific quantities set forth in the order of 1831. This order contained, however, a clause (sec. 120) enabling the Governor, by proclamation, to substitute other provisions for those specifically mentioned, provided the substituted provisions should be *equivalent* and *equally nutritious;* but at the same time declared, that any other substitution than such as should accord with these intentions, should be null and void.

The publication of this Order in Council in British Guiana, produced the greatest excitement among the planters. Sir B. D'Urban, the then governor, in a despatch, dated the 7th February, 1832, writes as follows:—

"My last despatch will have prepared your Lordship for a most unwilling reception of that Order, but not perhaps for the extravagant feeling of discontent, ill humour, and despondency which it has created." "The general antipathy to it has been studiously aggravated by the instigations of the party I before alluded to, and it now reigns to an excess, which I apprehend will interpose very serious obstacles for some time to come to its fair operation; nor can I doubt that those who lead the public feeling in this matter, have sufficient ingenuity to invent all sorts of impediments to its progress.

"For this end, in the first instance, several protests have been prepared, and are now industriously circulating through the different districts of Demerara and Essequibo, to receive the signatures of all descriptions of people, which will soon be numerous enough.

"I cannot yet anticipate in what precise way the due effects of the Order may be met and parried; various means may be used to contribute to this end; and there is, I need not observe to your Lordship, an inert strength in a community (and especially one constituted and circumstanced like this) of sullen purpose to defeat an object which, if it be resorted to with any degree of constancy and combination, is ever difficult to deal with.

"If I were to hazard a conjecture, however, upon this point, I should say, that two leading means which may be resorted to for giving efficiency to the above principle, will be,

"1st. The avoiding, evading, or refusing to levy taxes for the necessary disbursements of the colonial administration.

"2nd. A combination among the colonial assessors in the criminal courts to defeat all prosecutions for the protection of the slaves, by finding the defendants 'not guilty,' which would be effectual, since, upon the facts of the case, the votes of the three assessors are equivalent to those of the three professional judges; the Chief Justice, unfortunately, not being vested with a casting vote."

The anticipation of the governor proved correct. The planters protested against the Order as calculated to inflict irreparable injury on the colony, and as directly infringing its fundamental laws; and they *demanded full indemnity for all loss caused by it.* Moreover, they practically suspended the criminal jurisprudence of the Colony, until "*justice*" should be done them by its repeal. They even proceeded to deny *in toto*, the right of the Crown to enact laws for them, except with the consent of their own Court of Policy, and they consequently denied altogether, the validity of the Order in Council against which they thus protested.

Under these circumstances, another Order in Council, dated the 6th November, 1832 (vide Extracts No. 3, at the end of this article,) was passed, the object of which was to accommodate, if possible, the wishes of the planters with the welfare of the slaves; and to this end, the power of the Governor to make modifications in the original provisions, was considerably enlarged, but it was still limited to the making of such substitutions, as should be "*equally conducive to the benefit of the slaves themselves, and "better adapted for securing to such slaves an adequate supply of food, clothing, and household furniture, and for preventing the undue exaction of manufacturing labour.*"

Under pretext of this second Order, Sir B. D'Urban, on the 18th January, 1833, issued a Proclamation by which, altogether dispensing with the mockery of *equivalent* substitutions, he at once reduced the farinaceous food of the slaves to less than one half of the quantity allowed by the Order in Council of 1831. In this there could be no pretence of consulting the interests of the slaves, nor of more effectually protecting them from future abuses. It was a simple and deliberate sacrifice of one half of their rights, in respect of farinaceous food, to the clamour of their owners. Unless, therefore, a subterfuge were presumed in the solemn language of an Order in Council; unless a covert intention was purposely couched in ambiguous language, and an indirect authority given to make a surrender, which the Order itself did not venture to avow—the Proclamation of Sir B. D'Urban must now be deemed to have been an abuse of power, and under the precise terms of the 120th section of the first Order in Council, adopted into the second Order in Council, to have been absolutely null and void. But in addition to this repugnancy, manifest upon the face of the instrument, the second Order in Council expressly makes the approval and confirmation of His Majesty in Council essential to the validity of any Proclamation issued under it. Previously to such confirmation and approval, therefore, no substitution could be so complete as to constitute "a law in force" in the colony. Neither could the suspension of an original Order in Council take effect at all, until a valid substitute were provided for it; and consequently, until the Royal confirmation had been given to this Proclamation, the Order in Council of 1831 continued to be the "law" of the Colony. The importance of this point will be seen on reference to the 11th section of the Imperial Act of Abolition, which provided, that the future maintenance and allowances of apprentices (subject, however, to further increase if necessary) should be the same as by any "*law then in force*" in the Colony, an owner was *required* to supply to slaves of the same age and sex. In this case, no Order in Council did in fact confirm Sir B. D'Urban's Proclamation previously to the 28th August, 1833, when the Imperial Act was passed,—therefore, the Order in Council of 1831, was the law then in force in the Colony; and its provisions became part and parcel of the Imperial Act, constituting the *minimum* allowance of Apprentices in British Guiana.

Why then, it will be inquired, were not these allowances adopted into the Abolition Ordinance of this Colony? The following facts will briefly explain that circumstance.

A prospectus of the Colonial measures, deemed necessary for carrying the Imperial Act of Abolition into execution, having been transmitted by the then Secretary of State, Mr. Stanley; the Court of Policy convened for the purpose of considering these suggestions, so far from adopting the Order in Council of 1831, thought fit formally to propose a reduction of the already diminished scale of Sir Beajamin D'Urban.

Mr. Stanley, of course, refused to allow the proposal for a further reduction of allowances, the real object of which, was probably answered by its inducing him to adhere to the inadequate scale already fixed by Sir Benjamin D'Urban. The accuracy of the official opinions expressed by that Colonial Secretary, on disallowing this renewed attempt of injustice, is now denied; but the following extracts, from the despatch which conveyed this disallowance will be useful to identify the person referred to in the Anti-Slavery Statement, upon whom the chief responsibility rests of sanctioning regulations, which, after all, so grievously contravene the intentions of the Act they purport to carry into execution. Mr. Stanley thus remarks:—

"The doubts which you appear to have entertained, as to the propriety of

substituting for the food, maintenance, and allowances authorized by Sir Benjamin D'Urban's proclamation of the 18th January, 1833, the proposed schedules to the ordinance, marked P and Q, were founded on a perfectly correct view of the intent of the Slavery Abolition Bill.

"Under that statute (sec. 11), the employer of every labourer is required to supply him 'with such food and clothing, and other allowances as by any law now in force in the Colony to which such labourer may belong, an owner is required to supply to and for any slave, being of the same age and sex as such apprenticed labourer shall be.'

"On the 20th August last, when the Act was passed, Sir B. D'Urban's proclamation of the 18th January, 1833, issued under the authority of the order of the 6th November, 1832, was in force in the Colony, and had the authority of law there.

"The schedule of food, &c. sanctioned by that proclamation must, therefore, continue in force in British Guiana during the apprenticeship, and must, consequently, be inserted in the place of schedules P and Q." (Parl. pap. part ii, sess. 1835, No. 218.)

The schedule alluded to in this extract is printed in pp. 144, 145 of this volume of Parl. Papers, and with a slight addition, is the same with that, which appears in the tabular view of apprenticeship allowances in British Guiana.

"In compliance with the promise of Mr. Stanley," as it is expressly stated in a despatch of the 7th June, 1834, the British Guiana Ordinance, with certain amendments, was allowed by Mr. Secretary Spring Rice, (vide Parl. pap. part iv, p. 142), whose language in a subsequent despatch of the 7th November, 1834, (Ibid, p. 160), may be supposed to convey a much more accurate idea of his own views and feelings with respect to the duties of a Colonial Secretary on so critical an occasion. In the latter despatch, he thus writes:—

"I am responsible to my Sovereign, to Parliament, and to the British public, to see that the intentions of the Legislature of the United Kingdom are carried into full effect; and that in the Crown Colonies more especially, an example is given of making an adequate provision for the rights of the apprenticed labourers, not more consonant with the just expectations of the mother country, than with the well understood and permanent interests of the Colony. But the more fixed is my resolution to abandon no one principle that I feel myself bound to enforce, the more do I feel it my duty to deal with the local authorities in a spirit of considerate conciliation. In order to enable the West India proprietors to meet the great change consequent on the abolition of slavery, the British Legislature has not been sparing of the resources at its disposal; and the generous course adopted, in the consequences of which the Colony of Demerara so largely participates, will, I trust, induce and encourage the Court of Policy, as well as all other classes of His Majesty's subjects, to co-operate in the satisfactory completion of this great measure." (Parl. papers, part ii, sess. 1835, No. 278.)

Sir Benjamin D'Urban's diminished scale was, nevertheless, substituted for the consolidated slave allowance of 1831, and became the apprenticeship allowance of British Guiana.

No attempts at redress appear to have been made until the commencement of the year 1837, when the subject was brought more immediately under the attention of Governor, Sir James Carmichael Smyth. From an official Letter of that period, however, which will be more particularly alluded to hereafter, it appears, that in British Guiana, the profits to be derived by the cultivation of sugar, and other Colonial produce, had for some time past induced the planters, to apply all disposable labour towards the production of those articles which afforded the greatest returns, and the anomaly had arisen, that in a country where every necessary for the subsistence of man can be raised with the least possible trouble, the cultivation of plantains, and of other provisions for the labourers, had so considerably and rapidly diminished, that the labouring class had, in a great measure, to depend for their subsistence upon corn, meal, and rice imported from other countries. Under these circumstances, and in consequence of complaints and representations made to the Governor of the insufficiency of the quantity of food issued to the labourer in lieu of the plantains, he was induced to look more carefully into the subject, and to ascertain, whether the issues of

farinaceous food, allowed by the Order in Council of 1831, to be substituted for plantains, accorded with the spirit of that order. The result of this inquiry was, as stated by the Governor himself in the published letter now alluded to, that he felt it was impossible to sanction the continuance of a state of things, not only at variance with the spirit of the several Orders in Council, but calculated, in his view of the subject, to injure the permanent interest of the province. Having resolved, therefore, upon an augmentation of the farinaceous food to the scale of 1831, he proceeds to observe as follows:—

"The next article proposed as a substitute for plantains, is *Indian corn meal.* On the subject of Indian corn, I can speak with more confidence and experience than perhaps any planter in this Colony. It is the constant food issued to the labouring class in the Bahama Islands. The weekly allowance is *sixteen pints* of Indian corn; and which, when passed through the mill, gives to each individual about *twenty-one pints* of good farinaceous food, or at the rate of *three pints* per day. *I cannot comprehend how, as the Bahama labourer requires the quantity I have alluded to, and which is cheerfully given by the poor Bahama planter, it can be imagined in this wealthy Colony, that an allowance of Indian corn meal, not amounting to a pint and a half per day, could afford sufficient nourishment for a strong labouring man. The Order in Council has, in my opinion, very indiciously fixed the quantity of Indian corn meal at twenty-one pints per week, or three pints per day. It is impossible for me to sanction any diminution from this quantity.*"

In conformity with these sentiments, by a proclamation dated the 24th April, 1837, (see Extracts, No. 4), Sir J. C. Smyth, after declaring the existing scale to be repugnant to the provisions of the Order in Council of 1831, and of no force or effect, proceeded to substitute the scale of food specified in that order, as the legal allowance for the future. A deputation of planters, thereupon, having waited on his excellency, and represented the mischievous consequences of this augmentation, the Governor thought fit to publish the official letter already alluded to, dated the 29th of April of the same year, (vide Extracts, No. 5), setting forth his reasons for making the alterations: but, by a proclamation of the same date, (vide Extracts, No. 6), yielding to the suggestions of the planters, he suspended the operation of the first proclamation until the 1st of November following. And by a third proclamation, dated the 28th October, 1837, (vide Extracts, No. 7), in consequence of a petition having been preferred to Her Majesty in Council, to disallow the scale substituted by the first proclamation, the inforcement of that proclamation was suspended until the pleasure of Her Majesty in Council shall be known. The sequel to the whole of these proceedings is, that in the fourth year of the apprenticeship, the farinaceous food of this Colony still remains at less than *one-half* of the quantities allowed to slaves by the original Order in Council of 1831.

It is true, that this important subject has been once more brought under the consideration of the Privy Council, whose disposition to perform a tardy Act of justice, will doubtless, be encouraged by the general sympathy now excited on behalf of the oppressed negroes. The attention of this tribunal will, of course, be directed to the fact, that, even adopting the planters' most rigid definition of "law," the scale of allowances restored by the present Governor, is plainly in this instance, the legal allowance intended by the Imperial Act. And on the score of adequacy, they will need no further reasoning or proof of the same fact, than that which is contained in the above mentioned despatch of Lord Goderich, corroborated as it will hereafter be seen to be, by the judgment and experience of the late excellent Mr. Stephen, whose sentiments on the subject of slave allowances, have long since been given to the public. Unless, therefore, it be deliberately maintained, that the subsistence of persons pronounced by the Imperial Act to be free, and whose condition was certainly intended to be improved by the change, is now adequately provided for by one-half of that allowance which the maturest official inquiry had ascertained to be only the necessary diet of slaves, the scale established by the Order in Council of 1831 must be confirmed.

The case of British Guiana, has been more fully considered on account of the habitual reference made to the regulations of this Colony, as exhibiting the most perfect specimen of the working of the apprenticeship system. But the Order in Council of 1831 equally applies, as already stated, to the other Crown Colonies, in

some of which, will be found a still more unjustifiable departure from the intentions of the Imperial Act. For instance, in the neighbouring Colony of Trinidad, the Governor and Council, having been invited to consider the circular despatch of Mr. Stanley, contented themselves with merely offering suggestions, and referred the whole question of details, to the discretion of His Majesty's Government. On the subject of rations, they merely observe in cap. iv. of their Report:—"And in case of not allowing either land or fish, the apprentice to be entitled to the quantity of provisions now allowed by *law*."

This unusual mark of deference was duly appreciated by Mr. Stanley, who, in a despatch of the 24th May, 1834, (the same date with that of his reply to the British Guiana proposals), again assumes the whole responsibility of superseding the General Order in Council of 1831, and confirms the Proclamation of Sir Lewis Grant's scale, which, on reference to the Table published in this Appendix, will be found to have reduced the apprentice allowance of farinaceous food in this Colony, to less than one-third of the slave allowance under the Order of 1831!! Again protesting against the hasty conclusions of that otherwise distinguished Secretary, the following extract from the despatch in question, is introduced, in order to determine his undivided claim to the merit of withdrawing two-thirds of the farinaceous food of those persons whose title to "*property of every description*," and to the future enjoyment of, at least, an "*adequate*" supply of food in return for apprenticeship labour, had been officially guaranteed by himself, in bringing in the great measure of Abolition.

"As regards chapter 10, which is to comprise the regulations for the maintenance of the apprenticed labourer, I have (says Mr. Stanley) to make the following observations.

"The Order in Council of 2nd November, 1831, established in Trinidad allowances of food, &c. taken from the gaol allowances, settled by an Act of the Jamaica Legislature. By the Order of the 6th November, 1832, the Governor was authorized to substitute for that scale, any other which might be better adapted to the state of the Colony. Sir Lewis Grant accordingly issued a proclamation on the subject, dated 5th January, 1833, establishing a new scale of allowances. These were in force in the Colony, and had the authority of law there, on the 28th of August last, when the Slavery Abolition Act was passed. By the 11th section of that Act, the employer of every labourer was required to supply him with such food, clothing, and other allowances 'as by any law now in force in the Colony to which such apprenticed labourer may belong, an owner is required to supply to and for any slave, being of the same age and sex as such apprenticed labourers shall be.' I think it clear, therefore, that Sir Lewis Grant's scale of food, must, during the apprenticeship, continue in force in Trinidad. Upon the subject of these allowances, therefore, it appears to me, that neither the local Legislature of Trinidad, nor His Majesty's Government have the power, even if it were desirable to exercise it, of diminishing the food and other allowances to which the slave was entitled, under the combined effect of the Orders in Council of November, 1831, and November, 1832, and the Proclamation to which I have adverted." (Parliamentary papers, part ii, continued, p. 193, sess. 1835, No. 278—II.)

The subsequent confirmation of this reduced scale by Mr. Spring Rice, on the 7th June, 1834, appears to have been regarded by him as a necessary consequence of the course adopted by his predecessor in office.

The case of the Mauritius, is similar to that of Trinidad; with this exception,—that the execution of the Imperial Act of Abolition in that rebellious Colony, was rendered infinitely more difficult by the dissensions which were known to exist there, and especially amongst the legal authorities.

The following extract from a despatch of Mr. Spring Rice, dated 18th Sept., 1834, (vide Parl. pap. part ii. p. 208), explains the course adopted by that Secretary under these peculiar circumstances. After alluding to the previous state of the Colony, he thus observes:—

"Accordingly, the Order in Council which I now enclose is, with the exception of a few modifications, precisely similar to that which has been enacted for the Island of Trinidad. The two principal alterations consist in the discretion which is allowed, on the subjects of food and clothing, to the local authorities,

to substitute for the articles specified such other articles of food and clothing as they shall consider to be equivalent. This course has been deemed necessary, because the Order in Council of the 2nd November, 1831 never having been in *actual* force in the Mauritius, it is doubtful what may be the exact state of the law there on those subjects, and even whether there exists any law sufficiently clearly defined to give practical effect to the intention of the Act of Parliament. The articles of food and clothing provisionally specified in the present Order are those fixed by the Governor and Council of Trinidad, in conformity with the discretion allowed by the Order of the 2nd November, 1831." (Parl. pap. p. ii. page 208, Sess. 1835, No. 278.

Neither the rebellious resistance of the planters of this Colony to the obvious demands of justice and humanity, nor the previous authority of Mr. Stanley, can however exempt an erroneous opinion from blame; and if the arguments urged in this note for the validity of the Order in Council of 1831 be correct, the course pursued by Mr. Spring Rice, in this instance, though to a certain extent it was compromised by the conduct already adopted by Mr. Stanley towards other Colonies, appears to admit of no sufficient apology. A very dangerous sentiment seems, moreover, to be conveyed in the Mauritius despatch, namely, that resistance to an unpopular law, may, in certain cases, avail to suspend its obligatory force and effect.

The apprenticeship allowances of this Colony will be seen to be the same with those of Trinidad.

For the reasons already assigned in the Anti-Slavery Statement, and likewise in the tabular view which follows these observations, the inquiry cannot now be satisfactorily carried further into the provisions of St. Lucia, the Cape of Good Hope, and Honduras. In each of these colonies, however, sufficient cause for grave suspicion exists with regard to the adequacy of apprenticeship allowances. The effect of anomalous classification at the Cape of Good Hope, upon apprenticeship allowances, and consequently upon the condition of the free children of that Colony, will be considered in a separate article. In the mean time, it will be observed, that the previous comments relate to "rations" alone, and do not touch upon those other questions of maintenance and allowance to which other objections have been taken. In examining the table of contrasted allowances annexed to this Appendix, however trite the remark may appear, it is not unimportant to observe, that in order to ascertain the actual allowance of apprentices, reference must be made to the *minimum* allowance therein specified, which at all times may be, and doubtless has, generally, been awarded to the apprentice, where the planter's interest has not been better secured by other means. The option thus given to the employer, of distributing provisions of unequal qualities and value, seems, indeed, only calculated to answer the purposes of deception. The employers themselves would certainly not have deemed it a satisfactory arrangement, had it been left open to Parliament, to decide whether an absolute grant of 20,000,000*l.* sterling, or only a simple loan of 15,000,000*l.*, or a still smaller compensation than either of these sums, should ultimately be given to the owners of slaves; and yet the integrity of the British Legislature, in such a case, would have furnished at least an equal guarantee with the honesty of the planter, for the *bonâ fide* fulfilment of the compact.

Another question may arise, and indeed necessarily does arise, out of this subject, as to the nature and amount of the compensation now to be made to the aggrieved apprentices, for the unjust privations they have hitherto been compelled to endure. And on this topic, the observations already tendered under the preceding head of "Allowances and Indulgences," apply with greater force to the privations complained of in this article, and to the case of the Crown Colonies, where the power to do justice is vested in more responsible hands. And surely it cannot be now considered either inequitable or chimerical, to urge the propriety of making restitution at a period the most opportune that can be suggested,—and in a manner not only the most substantial and satisfactory in itself,—but likewise the most completely in accordance with the spirit and intention of the Imperial enactment.

Extracts from Despatches, Orders in Council, Proclamations, &c., referred to in the preceding part of this Appendix.

No. 1.

Circular Despatch from Lord Goderich to the Governors of British Guiana, Trinidad, St. Lucia, Mauritius, and the Cape of Good Hope, accompanying the General Order in Council of 1831.

The value of this document will be inferred from the pains which were taken to secure the most accurate information on the various subjects to which it relates, as well as from the spirit and temper in which the inquiry was conducted, which led to such important conclusions.

The circular despatch alluded to in the preceding observations upon the food and allowance of the Crown Colonies, will be found at length in the Parliamentary papers, in explanation of the measures adopted for the Amelioration of Slaves, published in the year 1831, at page 59, *et seq.*, from which copious extracts and comments were made and published in the Anti-Slavery Reporter, vol. v., beginning at page 37. It is now only to be regretted, that the limits of this Appendix will not allow of the insertion of more than a few of the most interesting portions; and a reference to the original document is therefore earnestly recommended.

In explanation of the circumstances which led to the production of the New Code, Lord Goderich thus remarks:—

"In his Despatch of the 18th of February, Sir George Murray called for information on each of these topics, with a view to the further improvement of the Slave Code.

"The design thus entertained by His Majesty's late Ministers, was adopted by my colleagues and myself, shortly after we were called to His Majesty's more immediate councils; and as long ago as April last, the purpose of promulgating an amended Order in Council on the subject of Slavery, was announced by Viscount Howick, in his place in parliament. An interval of six months has since elapsed; and if in some respects, I regret that delay, there are not wanting other reasons which induce me to regard it with satisfaction, I am happy to have secured ample time for deliberation and inquiry, on a subject at once so important and arduous; and it has been a peculiar source of comfort to me, to have been able to learn, in the most explicit manner, the views taken of this measure by those gentlemen, resident in England, who have the most direct and immediate interest in its success. When Lord Howick's statement had diffused amongst the West India body in Great Britain, a knowledge of the general plan, I was requested by several of the Colonial agents to transmit to them a copy of the proposed law before its actual promulgation, in order that they might bring under the notice of the King in Council whatever objections they might be desirous to urge, either to the general principles of the proposed order, or to the structure of any particular enactments. In compliance with their wishes, a printed draft of the Order was accordingly transmitted to each of the agents, by the Clerk of the Council in waiting, in obedience to the commands of the Council Board.

The result of that communication has been to elicit from those gentlemen, and from a meeting of Planters, Merchants, and others, connected with the West Indies, a very copious exposition of their opinions on the whole question.

After a careful examination of the documents thus laid before the King's Government, various corrections were made in the draft of the intended Order, and with those corrections, it was finally adopted by His Majesty in Council, on the 2nd instant."

In rebutting the charge of ignorance and incompetence, brought against the authors of this measure, the circular proceeds to observe as follows:—

"It is assumed, throughout the reasoning of the Remonstrants, that the Order proceeds upon some vague assumption, that the slaves are labouring under great oppression and wretchedness, or upon the supposition that the owners are collectively persons in whom it is impossible to repose that degree of confidence

which is due to all men who are not actually convicted of crime; and it is urged, that laws framed under so gross a misapprehension of the real condition of the slave, and of the real character of his owner, cannot but be pregnant with injury to both. No representation could be more inaccurate than that which is thus given of the principles on which His Majesty's Council proceeded, in the advice which they humbly tendered to the King on this occasion. The existence of unusual oppression on the one side, and of extreme wretchedness on the other, was not assumed as really true, nor even adverted to as a probable truth, in forming either the present, or the former Orders. The Ministers of the Crown did not yield themselves to the guidance of any such indefinite assumptions. They considered the subject in a more distinct and practical method. In the years 1824 and 1830, a careful review was taken of the Slave Code as it then existed in the different Colonies. It appeared, at the former of those periods, that there was not in any Colony, any individual at once charged with the duty, and armed with the power of enforcing obedience to the laws made for the protection of the slaves; and the Protector and his Assistants were therefore invested with that responsibility, and armed with the powers necessary to sustain it. The existence of Sunday markets being admitted, that abuse was prohibited. In the same manner, the use of the whip in the field, as a stimulus to labour; the punishment of women by flogging; the power of convicting and punishing slaves by the domestic authority of the owner, without a previous or subsequent report to any magistrate; the prevalent disuse of marriage, and even the legal incapacity to enter into that contract without the owner's consent; the inability of a slave to acquire property, except by sufferance, and his incapacity to sue or be sued in respect to such property as local usages permitted him to possess; the right of the owner to separate at his pleasure the nearest natural kindred from each other; the inability of a slave to purchase his enfranchisement without his owner's consent; the impossibility of manumitting a slave belonging to infant children or remote reversioners; the want of any guarantee to the slave that the money paid for the purchase of his freedom should not be lost by a defect in the title of his supposed owner; the silence or uncertainty of the law as to what should constitute a legal presumption of freedom or of slavery; the exclusion or qualified admission of the evidence of slaves; *the want of rules respecting their food, at once specific in their terms and adequate in their amount; a similar silence of the law on the subject of clothing, furniture, medical attendance, and the hours of labour and repose; and a general want of cheap and compendious methods for recovering penalties when the Slave Code had been violated*—There were parts of the Colonial Slave Code, which were first amended by the authority of the King in Council, to some extent, in the year 1824. Those amendments having been consolidated, and further extended in the year 1830, have been completed by the Order which I now transmit. This state of the law was a matter of fact, of which the evidence was as readily accessible in England as in the Colonies. Whatever might be the condition of the slaves, and whatever the conduct of their owners, the necessity for supplying such defects and remedying such abuses in the law as these, was, in the years 1824 and 1830, evident and indisputable. These are precisely the defects and the abuses, against which the former Orders were directed, and which the present Order proposes to remedy more effectually. It is not then, in deference to any vulgar prejudice respecting West India Slavery, nor is it by substituting vague theory for specific information, that His Majesty's Government have directed their course. They have, on the contrary, grappled with specific evils, the existence of which was generally admitted even by the enemies of the measure, and which, if denied, might at once have been proved by an appeal to all the Slave Codes of Colonial origin. *How far it is wise to supply these defects in the law, except on proof of specific evils resulting from them, is a question to be noticed hereafter.* For the present I confine myself to the remark, that the general charge, of ignorance of the subject to be handled, may be safely met by this enumeration of the specific topics of the law; and by the inquiry—where is the danger of mistakes being committed in Europe, rather than in the West Indies, as to the effect of a written code which may be perused with equal deliberation in either country?

"In denying that the Government have been floating on the tide of popular

prejudice, or impelled by vague theories, I do not mean to assert that they have not adverted to those great general principles by which every wise lawgiver is directed, on the contrary, it is precisely because they have fixed a steadfast eye on those principles, and because they are accessible alike to all who will take the pains to study them, that I again repel the charge of ignorance which is so confidently urged. The Ministers of the Crown are not ignorant that unrestrained power must and will be abused. They know that an unpopular law will never be executed by voluntary agency. They are assured that the natural distinctions of colour and origin, coinciding with the artificial distinctions of unlimited authority on the one hand, and absolute subjection on the other, cannot but tend to induce pride, contempt, and ill usage. They believe that the law which makes one man the proprietor, and another the property, and which delegates, to the proprietary body, all powers—legislative, judicial, magisterial, and domestic, cannot but be the fertile source of abuses. In possession of these and similar principles, His Majesty's Government cannot suppose themselves so unfitted for the task of legislation as their imputed ignorance would imply.

"If it be indeed true, that they who have devoted so much time, in England, to the study of this question, are still ignorant of its bearings, that ignorance must be admitted to be incurable. During the last eight years every slave colony belonging to the British Crown has been agitated with the discussion of these questions. Whatever lights could be afforded by local experience, and whatever criticisms could be supplied by the utmost eagerness of controversy, have been brought to bear, not merely on the general principles of the Orders of 1824 and 1830, but upon each of their most minute details. Several folio volumes containing the official correspondence on this subject have been printed by His Majesty's command, and laid before both Houses of Parliament. It would be difficult to mention any code, the promulgation of which was ever preceded and followed by a more severe scrutiny into its supposed errors and probable consequences. The Colonists especially have enjoyed the most unlimited opportunity for explaining their own opinions and illustrating them by evidence. The reasonings urged and the proofs adduced by the various Councils, Assemblies, Public Meetings, and Private Disputants, who have participated in this controversy, have been printed at the public expense, and transmitted, both in their original form, and in the shape of abstracts and epitomes, to every Member of Parliament, and almost to every individual who has taken a prominent part in this discussion. If this protracted debate has failed to convey to His Majesty's Government the necessary information, to whom but the Colonists themselves can that failure be attributed? And what is the assignable length of time within which the requisite amount of knowledge could be brought together?

"To the alleged ignorance and consequent incompetency of the Ministers of the Crown to frame such a law as the present, I have still another answer to make, to which I find it scarcely possible to anticipate a satisfactory reply. It is, that the code denounced as indicating so absolute a want of knowledge of the state of Colonial Society is, in substance and principle, the work of the Colonial Legislatures themselves. I use the terms 'in substance and principle' advisedly, in order to indicate more exactly the real distinction between the accompanying Order and those local laws which have suggested all its principal provisions. *No one Legislature ever adopted them all; but neither is there any one leading principle which some one or more of the Legislatures will not be found to have sanctioned.* The Colonial Enactments to which I refer are, however, without a solitary exception, deficient in those regulations on which the real efficacy of laws destined to encounter so much prejudice and opposition, must altogether depend. To supply such regulations, to infuse a living and active spirit into a Code which, from the want of them, has been too much a dead letter, has been the great object of the framers of this Order. Assuming to themselves the full responsibility for the wisdom of those rules, they at the same time are willing to give to the Colonial Legislatures, collectively or separately, the credit of having suggested or recognised all the principles to which those rules are subsidiary."

In reference to the charge, that the Order in Council did not adhere to the constitution and legal rights of each separate Colony, and that it embodies regulations designed for Colonies widely dissimilar in local circumstances, laws, and rural employments, his lordship further remarks:—

"I have no wish to exaggerate or overstate the present argument: and will admit unreservedly, that there would be some advantage in making a distinct code for each separate Colony. I must, however, at the same time maintain, that the disadvantages of that mode of proceeding would be far more numerous and considerable. At the present moment, the Order of February, 1830, is in force alike throughout the Crown Colonies; and when I compare together the slave codes which were actually framed by the local authorities, I do not perceive in them the traces of that accommodation of the law to their peculiar habits and institutions, which is thus urgently demanded when the task of legislation is undertaken in this kingdom. On the contrary, it will be found that the variations between the different local enactments refer almost entirely to general principles, and not to local and accidental peculiarities. *But the general principles ought to be very nearly, if not altogether the same, in every Colony where the relation of master and slave is known. The same necessity exists in them all for effective protection; for repose on Sunday; for the regulation of punishment; for securing to the slaves the rite of marriage; for the defence of their property; for preventing the separation of families; for the facility of manumission; for the admissibility of slave evidence; for protection from excessive labour; and for an adequate supply of food, clothing, and medical attendance. This is all which the law enforces; and these are wants, not local, but co-extensive with the state of slavery itself.*

"Nor is conformity in the slave codes of the different Colonies unimportant on other grounds. It renders the execution of the law more easy and secure. The lights discovered in one Colony are found useful in corresponding exigencies in another. Comparisons between the progress of improvement in different Colonies are readily and accurately made, and the King's Government in this country have a distinct view of the system, the execution of which they are ultimately called to superintend.

"The objection also proceeds on the assumption that sound policy requires the maintenance, in the British Colonies, of codes and institutions so diversified as to forbid the gradual assimilation of their laws. To that opinion I cannot ascribe; but must, on the contrary, believe that it has been a great error, in the Colonial policy of this country, to overlook the expediency of bending local peculiarities to the general principles of one common Legislation; and I can scarcely suppose a more fit opportunity than the present for uniting together, by a general law, settlements which are all parts of the same empire, and which are all deriving their white population, their language, and their commercial capital from Great Britain.

"I must not pass over without notice an argument adduced in a letter addressed to Mr. Irving, the member for Bramber, who professes to act as the agent for persons in Mauritius. He maintains, that the proposed codes will virtually emancipate the slaves in the British Colonies, and stimulate the Foreign slave trade; so that, in attempting to do good, the Government will, in reality, be producing the most serious evil. Where the inference is so manifestly untenable, I cannot think it worth while to debate the premises. *If neither the state, nor individuals are to do justice, without an absolute certainty as to possible consequences which are beyond their own control, the great rule of right is at an end, and every one may plead the probable injustice of another in defence of his own deliberate wrong-doing. I can never consent to oppose a temporary and apparent expediency to those eternal obligations which religion founds upon the law of God, and which morality derives from an expediency which is permanent and universal.* I will not attempt to prevent the Foreign slave trade, by refusing justice to the slaves in His Majesty's dominions."

To the argument, that the enactments of the new code implied a distrust of West India Legislation, the following remarks are applied:—

"This law, I admit, proceeds throughout on the assumption, that *unlimited power will be abused, and, as the practical inference from that principle, it supposes the necessity of subjecting the authority of an owner over his slaves to a constant and vigilant control.* The reproach, if so it must be regarded, is directed, not against individuals, nor even against any particular body of men, but against that nature of which all men partake in common. *It were idle to legislate at all on the subject, without adverting to the ordinary motives of human conduct, and the ordinary influence of the temptation which attends the possession of*

power. It might with equal truth be said, that the English statute book is a satire on the people of England by their lawgivers. No magistrate, nor hirer of mechanics, no owner of a cotton mill, is exempted from the reach of that suspicion and distrust with which the Legislature regards those who stand in the superior relations of society. Amongst the objections to the Truck bill, it was not urged by the master manufacturers, that it injuriously ascribed to them a disposition to advance their own interest at the expense of the artizans in their employment. I know not why the gentlemen who, in the subordinate character of agents, exercise a delegated authority over the slaves, should arrogate to themselves a purity of moral conduct, and a superiority to self-interest, to which, under circumstances of far less temptation, one of the most wealthy, well-educated, and important classes of society in England, did not venture to lay claim.

"The sensitiveness of feeling, which, it is said, will indispose honourable men to act as managers while this law continues in force, is, I think, not much to be apprehended. Remembering what are the motives which really attract men across the Atlantic, in quest of such employment, there is no room to doubt their continued influence. An honest man, who is brought into a situation which justly renders him obnoxious to suspicion, will rather court than shun the most minute inspection of his conduct."

On the subject of increasing the burdens of the planters, his lordship observes :—

"Whatever property exists, or has ever existed in the Colonies, is the direct fruit of the labour of the slaves. That this labour has never received its due compensation is matter of absolute certainty. Slaves still bear, and have always borne, a high price in the Colonies. Why is it that a man finds it worth his while to purchase a labourer? The answer plainly is, because his labour is worth more than the cost of the maintenance he is to receive. The price paid is a fair criterion of the amount of the wages which have been kept back, and of the loss sustained by the labourer. *I cannot be a party to so gross an act of injustice, as to refuse the slaves, from the property created at their expense, whatever may be required for their adequate protection.*"

With reference to the protection of children under this Order in Council, (a protection disregarded in the Apprenticeship Ordinances,) the following remarks are made :—

"Children under the age of *fourteen* are required not to be worked more than *six* hours daily. The remonstrants against this Order state that children of ten years of age, are capable of working as long at their employments as adults. I cannot venture to adopt an opinion of which the practical effect would be to subject children of this tender age to the existing rule, which requires only eight hours of continuous repose out of the twenty-four. If, it is added, a child of ten years be allowed the food of an adult, it is inconsistent to give him more repose. *Every father of a family, every keeper of a school, and every workhouse keeper, is, I believe, aware that the appetite of children is mature before their strength, and that a boy will never attain manly vigour whose natural cravings for food are not satisfied. For the great work of education also, leisure would be entirely wanting if such exertions were exacted from the young.*"

On the inconvenience and danger of intrusting too large a discretion to Governors, and other colonial functionaries, the following important observations occur in the Instructions issued by Lord Goderich, on the 14th November, 1831, to the Governors of Crown Colonies :—

"On collating the Order of the 2nd of November, 1831, with that of the 2nd of February, 1830, you will perceive that the last Order has, in some instances, determined *absolutely*, matters which the preceding Order referred to the discretion of the Governor. The reasons which dictated this change of policy may partly be inferred from the printed Parliamentary papers, containing the correspondence between the Governors and this department, and pointing out the manner in which the designs of His late Majesty, in the promulgation of the former law, had, in many respects, *been defeated by ill-considered proclamations issued under its authority*. An additional reason for withholding, as far as possible, this subordinate power, *was the desire of securing the Governors from solicitations*, which it might be alike necessary and difficult for them to resist. It has been my careful study to narrow your *discretion*, and proportionably to

diminish your *responsibility*, as far as possible, on the present occasion, *because nothing can be at once more painful in itself, or more injurious to the great object with a view to which the Order has been framed, than the species of discussion between the Secretary of State and the heads of the local governments, to which the last Order gave birth.*

"But while thus exempting you from the responsibility of originating certain subsidiary enactments, it is most remote from my design to decline, or to depreciate, the value of your assistance in carrying the Order into effect. On the contrary, I regard that assistance as absolutely indispensable to the success of the whole design. *If my despatch of the 5th instant should fail to convince you of the importance which the Ministers of the Crown attach to the observance and complete execution of this Order, I have no language which could adequately convey that impression.*"

And lastly, for the purpose of removing all future pretexts respecting the period when the New Order in Council shall take effect in the Colonies, the following positive commands are given:—

"The last clause of the Order directs its promulgation within one month after it shall have been received; *and, in fourteen days from that time, it is to be in force in the Colony.* 'It has been deemed right,' says his Lordship, 'that, on so important an occasion as the present, you should be released from all responsibility *by being refused all discretion as to the time of promulgating this law.* The rule has been laid down in terms thus *peremptory* not of course from any distrust of the Governors of His Majesty's Colonies, but from the conviction that if any choice had been left to them, as to the promulgation or suspension of this Order, they would have been assailed with solicitations to which it might have been most difficult, if not indeed impossible, for them to make an effectual resistance.'"

It might have been supposed, that provisions so explicit, and orders so peremptory, would have led to much greater improvements in the practical condition of the slaves in Crown Colonies than the event realized. Yet, that a partial failure, at least, of these effects was anticipated by the Anti-Slavery Committee from causes well known to them at the time, and, which still, it may be feared unhappily exist to a great extent, will be seen from the concluding comments on this Order, which appear in the Anti-Slavery Reporter, vol. v. beginning at p. 34. as follows:

"Having thus given a full view of the various provisions of the new Slave Code, freely commenting upon them as we proceeded, we shall now perhaps be expected to express some opinion as to the general effect of the whole enactment. It is intended more immediately to be imposed upon the Crown Colonies, in each of which it is to come into operation within six weeks, at the farthest, after it shall have reached the hands of the Governor. Its formal adoption as the law of those Colonies will be a matter of course, as in them the power of legislation rests wholly with the King in Council. The only point, therefore, which is matter of doubt, respects its due execution when it shall have become law. This point also, however, rests in a great measure with the Crown. The crown may, and alone can, secure its due execution. Were we to judge, however, by our experience of the past, we should not be very sanguine in our hopes of its efficiency. We have hitherto witnessed, in most of the Colonies, much neglect and misconduct on the part of the public functionaries intrusted by the Crown with the administration of the slave laws. We have indeed seen their misconduct sometimes reprehended by the government, but, in very few cases, visited with the punishment due to the violation of their high duties. We may look in succession to the twenty Slave Colonies belonging to the Crown, and find, in too many of them, that among those who have been the most effectually opposed to the benevolent purposes of His Majesty's Government, have been the chief officers of the Crown—the Governors and their Secretaries; the Judges and Attorney Generals; the Procureurs General and Fiscals; the Protectors and the Registrars of slaves; with almost the whole body of the local magistracy. With the exception of some of the Commissioners of Inquiry, and a very few Judges and Governors, they seem to have been animated, throughout the whole extent of these scattered possessions, by one prevalent purpose to retard, if not to frustrate the plans of Government for improving the condition of the slave population. And, in general, they have

pursued this course with perfect impunity, and in some cases, with favour and reward. The present Government, however, we believe, are fully convinced, that it is only by a more vigorous system of control and supervision, and by an unsparing and relentless infliction, upon public functionaries, of the just penalties of their neglect or misconduct, that even the best laws can be made available to the protection of the wretched slave from oppression and wrong. If the law now passed were faithfully executed, we cannot doubt that it would produce very beneficial consequences, and obviate much suffering. The Government have done much, where we admit it was difficult to legislate at all; and they have at least reflected honour on themselves by the humane and beneficent purposes generally manifested throughout every line of this ordinance. Even those parts of it which we have viewed with regret, and on which we have deemed it our duty freely to animadvert, indicate the very best intentions on the part of those who framed them, however those intentions may have been warped or frustrated by the misinformation of interested or prejudiced parties.

But, if doubts might fairly be entertained as to the effective operation of this greatly improved Code, even in the Crown Colonies; it will not be expected that we should indulge any very sanguine hope of its efficiency in the colonies that are chartered. In the first place, what hope is there even of its adoption by any one of the petty legislatures which crowd the Antilles, and which exhibit there, each on its little stage, nothing better than a kind of mock parliament, a puppet-show representation of the solemn functions of legislation! Equally absurd and preposterous are the loud menaces which issue from the 300 white males of Grenada, or the 500 white males of St. Vincent's, or even the 4000 or 5000 white males of Jamaica, of vindicating their right to oppress the 25,000 black subjects of the King in either island, by throwing off their allegiance, and daring the might and majesty of Great Britain. The folly and madness of such conduct in all the Colonies whether small or great, are so manifest and glaring as wholly to disentitle them to any choice as to the adoption or rejection of laws which go to secure the well being of the slaves, and to protect them against the effects of a dominion such as theirs. In truth, the British parliament alone can fulfil this task; and every day that its interference is delayed, in the vain hope that just and humane laws will be assented to and passed by the petty parliaments of the Antilles, will only add to the embarrassments, and may we not add, to the fearful dangers of the question.

But even supposing that, under the influence of fear, the Colonial Legislatures were to adopt this new Code to the very letter, as Lord Howick, on the 15th of April last, intimated that it was the intention of His Majesty's Government to require them to do, on pain of fiscal inflictions;* there would still remain the

* We confess that we have not very clearly understood the course which in this respect it is intended by the Government to pursue; but whatever it be, we cannot anticipate any favourable results which do not involve vexatious delays and difficulties, endless disputes, and slow and dubious reformation, or even ultimate retractation. In the prolonged discussions, on a subject so delicate, which are to be conducted between the Government and thirteen Colonial Legislatures, assuming to be independent, separated from us by the wide Atlantic, and of whose deep rooted prejudices, and reckless disregard of truth, we have had such frequent proofs; we can contemplate nothing but procrastination and disappointment. The means of misrepresentation are so numerous, and the motives to it so potent; the difficulties of investigation so great, and the scene of it so remote, that years might be consumed in fruitless controversy without any substantial progress in the work of reformation. Nor can we discover any benefit which is to be attained by this indirect and unsatisfactory method of attaining the object in view, whilst the Government, with the aid of Parliament, are themselves constitutionally entitled at once to reform the legislation of these Colonies, and effectually to control the conduct of all Colonial functionaries. Is there not something timid and compromising in admitting the general prevalence of crime in the Colonies, and that the lives of His Majesty's subjects there are hourly sacrificed by men over whom we possess a legal control, while our power alone maintains their usurped dominion; and yet pursuing such an indirect, circuitous, and uncertain course, as instead of immediately placing the happiness and lives of our fellow-subjects under the guardianship of just laws, shall leave them to the tender mercies of those, who by their past oppressions, have shown themselves altogether unworthy of the trust? Let it be care ul kept in view, that the great mass of those, to whom the execution of this difficult and delicate experiment is proposed to be committed, are not themselves the proprietors of the slaves, having an interest however remote in their well-being; but hireling attorneys, managers, and overseers, men nurtured and hardened amid the practical evils and crimes of slavery, unaccustomed to control their pride, their passions, and their prejudices, and much more likely to be excited by these powerful feelings to wreak their spleen and even vengeance on the unhappy slaves while still in their power, than be restrained from violence, by any influence arising from the prospect of the distant benefit which may accrue to an employer, whom they may never have seen, and in whose prospective gains they have at least no direct participation. An Act of Parliament, and an Act of Parliament alone, can terminate all these difficulties, and wipe away from this land the disgrace and guilt of such a system.

same and indeed far greater difficulties, in the execution of it, than have been found, or are apprehended, in the Crown Colonies. And what is the conclusion to which all this brings us? It brings us irresistibly to this conclusion, that slavery is a wholly untractable and unmanageable subject; and that there is only one way of applying an effectual remedy to its multiplied and still unmitigated evils—namely, its extinction, its total extinction, and the elevation of slaves to the possession of their rights as men, and their privileges as subjects of the British Crown. Nothing short of this will satisfy the British public; for nothing short of this can put a period to the miseries of slavery, or deliver this country from the guilt and the crime of continuing to uphold it."

Can it now be believed that principles less decided—provisions less liberal—and protection less complete than Slavery itself afforded, will, at this more enlightened period, be deemed by the official advisers of the Crown, to be an adequate fulfilment of that great measure which professes to confer substantial liberty on the negroes?

No. 2.

General Order in Council, of 2nd November, 1831, containing Rules to be followed, respecting the food and maintenance of Slaves.

LXXXVIII. And it is further ordered, That every owner and manager of slaves within the Colonies aforesaid, shall, and he is hereby required to provide for the food and maintenance of the slaves under his or her management, according to the several rules and regulations hereinafter in that behalf prescribed, that is to say.

The first, second, third and fourth regulations require that every owner or manager of slaves, shall within the period therein mentioned deliver a written declaration specifying whether it is the intention of such owner or manager during the year next ensuing to maintain his slaves by the cultivation of ground, or by an allowance of provisions; which declaration shall be recorded, and be revocable in manner therein mentioned, and in the mean time be binding on the owner or manager.

Fifthly.—Every owner or manager who shall by such declaration as aforesaid, propose to maintain his slaves by an allowance of provisions, shall be, and is hereby bound and required to supply such provisions to the amount, and of the kinds following, that is to say—Each and every slave above the age of ten years shall receive in each week not less than *twenty-one* pints of wheat flour, or of the flour or meal of Guinea or Indian Corn, or fifty-six full grown plantains, or fifty-six pounds of cocoa or yams; and also seven herrings or shads, or other salted provisions equal thereto; and every slave below the age of ten years shall be supplied with one half of the before mentioned allowance in each week, which allowance shall be delivered to the mother or nurse of every such infant slave.

Sixthly.—The Governor of each of the said Colonies may, from time to time by proclamations, to be by him for that purpose issued, authorise the substitutions for the provisions aforesaid of any other provisions *equivalent* to, and *equally nutritious* with the same.

Seventhly.—Such provisions as aforesaid shall in no case be delivered on Sunday, but shall always be delivered on the corresponding working day in each successive week, unless such delivery shall be delayed by accident or unavoidable cause.

Eighthly.—Any owner or manager of slaves who may be unable or unwilling to procure such provisions as are hereinbefore mentioned, may, with the authority in writing of the Protector or Assistant Protector of the District in which such slaves are resident, substitute for the same any other kind of provisions, provided that such substituted provisions shall, in the judgment of such Protector or Assistant Protector, be *equivalent* to, and *equally nutritious* with those hereinbefore directed and prescribed.

Ninthly.—All provisions so to be supplied to the slaves in the Colonies aforesaid, shall be sound and fit for consumption, and of good average merchantable quality.

Tenthly.—The slaves to whom such provisions shall be supplied, shall also be provided by and at the expense of their owners or managers with the means of preserving the same from week to week and of properly preparing the same for human food.

Eleventhly.—Every owner or manager of slaves who shall by such declaration as aforesaid, propose to maintain the slaves under his management by the appropriation of ground, to be by them cultivated for that purpose, shall be, and is hereby required to set apart for every slave so to be maintained, and being of the age of fifteen and upwards, half an acre of land properly adapted for the growth of provision, and not more than two miles distance from the place of residence of such slave; and in respect of every slave so to be maintained, and being under the age of fifteen years, every such owner or manager is hereby bound to set apart for the father or reputed father, or mother of every such infant slave, one quarter of an acre of like ground; or if such infant shall have no parent, being the property of the same owner, then such quarter of an acre shall be set apart for some other slave who shall be charged with the cultivation of the same for the benefit of such infant.

Twelfthly.—Every such owner or manager shall be, and is hereby bound and required to supply every slave for whom any such ground shall be so appropriated, with such seeds, and with such implements of husbandry, as may be necessary for the cultivation of such ground on the first entering of such slave on the occupation thereof.

Thirteenthly and fourteenthly.—The slave shall not be dispossessed until time has been afforded for gathering the crops, which are declared to be the absolute property of the slave.

Fifteenthly.—Every slave for or in respect of whom any ground shall be so appropriated and set apart, shall in each year be allowed forty days at the least for the cultivation thereof in forty successive weeks, so that from the commencement thereof one Sunday at the least may intervene between every two successive days until the entire number of forty days shall be completed, and each of such forty days shall be understood to consist of twenty-four hours, commencing at the hour of six in the morning, and terminating at the hour of six of the next succeeding morning.

Sixteenthly.—The slave may be compelled to cultivate these provision grounds in manner therein mentioned.

CXX.—And it is further ordered and declared, That no law, statute, ordinance, or proclamation, now, or at any time heretofore, in force within any of the said Colonies, or which shall hereafter by any Governor, or Local Legislature of any such Colony, be made, enacted, ordained, or promulgated, in so far as the same may or shall be in anywise repugnant to, or inconsistent with, this present order, shall be binding on His Majesty's subjects in such Colony, or be of any force, virtue, or effect therein, or shall be recognised as legal or valid by any Court, Judge, Justice, or Magistrate, within any such Colony, unless the same shall first have been approved or confirmed by His Majesty, or by His heirs or successors, with the advice of his or the Privy Council.

CXXI.—And it is further ordered, That the Governor of every Colony as aforesaid, shall, within one calendar month next after the present order shall be received by him, make known the same by proclamation in such Colony; and that the said order shall be in force on the expiration of fourteen days next after the date of such proclamation, and not before.

No. 3.

General Order in Council, of the 6th November, 1832.

The first clauses recite the Order in Council of November, 1831. It then proceeds as follows:—

"And whereas it has been represented to His Majesty, that some of the Regulations aforesaid cannot be enforced in the said Colonies without *great prejudice to the slaves therein*; and without a ruinous loss to the owners of such slaves, and that other regulations might be established in the said respective Colonies *for*

securing to the slaves therein an adequate supply of food, clothing, and household furniture, and for preventing the undue exaction of manufacturing labour, more compatible with the interests of the owners of such slaves, *and equally conducive to the benefit of the slaves themselves.* It is therefore ordered by the King's Most Excellent Majesty, by and with the advice of his Privy Council, that it shall be lawful for the Governors of the said respective colonies, and they and each of them, are hereby authorised by any proclamation to be by them, from time to time, for that purpose issued, to suspend so much and such parts of the before-mentioned Order in Council relating to the several measures aforesaid, or any of them, as to such respective Governors shall appear *inapplicable to the state and condition of the said respective Colonies*, and by such proclamation to establish such other rules and regulations, respecting the said several measures aforesaid, or any of them, as shall to such respective Governors appear to be more compatible with the interests of the owners of the slaves therein, and *better adapted for securing to such slaves an adequate supply of food, clothing, and household furniture, and for preventing the undue exaction of manufacturing labour.* Provided always, that such proclamation shall be transmitted for His Majesty's approbation, and be confirmed and approved, or disallowed by His Majesty, in such and the same manner, and according to *all such and the same rules, as are provided in and by the said Order in Council* (vide Order in Council, 2nd November, 1831, sec. 120, as quoted by Sir J. C. Smith) in reference to the proclamation which, by the *said* order, the said Governors are authorised to issue."

The Order then recites the fines, penalties, &c., and matters relating thereto in the Order of November 1831, and orders that they shall be the same, &c. under any proclamation to be issued under this present order.

No. 4.

Proclamation by Sir James Carmichael Smyth, Baronet, Governor of British Guiana, dated 24th April, 1837.

Whereas in the 5th regulation of the 88th clause of the Order in Council of the King's most Excellent Majesty, dated the 2d November, 1831, it is ordered and directed that every slave above the age of ten years shall receive in each week twenty-one pints of wheat flour, or of the flour or meal of Guinea or Indian Corn, as a substitute for plantains, cocoas or yams; and whereas by the 6th regulation of the same clause, the Governor of this Colony is empowered to authorise from time to time by proclamations to be by him for that purpose issued, the substitution for the provisions aforesaid of any other provisions equivalent to and equally nutritious with the same. And whereas His Excellency Major-General Sir Benjamin D'Urban, late Governor of British Guiana, did issue a proclamation upon the 18th January, 1833, to which a schedule of allowances for food is attached, and in which schedule twenty-five pounds of yams or potatoes; or twenty pounds of eddoes or tanyos; or ten pints of wheat flour; or ten pints of Indian corn meal; or ten pints of rice—are declared to be the proportions of other farinaceous food which may be substituted for the allowance of seventy pounds of plantains. And whereas in the 120th clause of the order in council as already quoted, it is ordered and declared that no law, statute, ordinance, or proclamation, now, or at any time heretofore in force in this Colony, or which shall hereafter, by any Governor, or Local Legislature of the Colony be made, enacted, ordained, or promulgated, in as far as the same may or shall be in any wise repugnant to, or inconsistent with the said order in council, shall be binding on His Majesty's subjects in such Colony, or be of any force, virtue, or effect therein; or shall be recognized as legal or valid by any court, judge, or magistrate within this Colony.

And whereas the substitution aforesaid, *by reason of its diminished quantity, is repugnant* to the provisions of the said order in council, and of no force or effect. And whereas by the 11th clause of the Act of the Imperial Parliament 3 and 4 Wm. 4. c. 73, intituled an Act for the Abolition of Slavery throughout the British Colonies—it is enacted that during the continuance of the apprenticeship of the labourers therein referred to, they shall be entitled to such food, clothing, lodging, and medical attendance, and such other maintenance and allowances as

by any law then in force in the Colonies the owner of any slave was bound to supply and furnish.

I do hereby, by virtue of the power and authority vested in me by His Majesty under the 6th regulation of the 88th clause of the order in council of the 2d November, 1831, and which authority is again specially renewed as regards the apprenticed labourers under the 6th regulation of the 1st section of chap. 3d of ordinance 43, authorise and direct (wherever it may not be convenient for the employer of an apprenticed labourer to issue the weekly allowance of seventy pounds weight of plantains to each labourer) the substitution of not less than fifty-six pounds of yams or potatoes, or cocoas, or eddoes, or tanyas; or twenty-one pints of wheat flour; or of Indian corn meal, or of rice, in lieu of the plantains.

No. 5.

The following is a letter addressed by Sir J. C. Smyth, to a Deputation of Gentlemen who waited upon his Excellency, with reference to the above Proclamation, dated 29th April, 1837.

GENTLEMEN,

I have listened with attention to every thing you have had to object to the measure I have felt it my duty to adopt, with respect to the augmentation of the quantity of those articles of food which you are at liberty to substitute for plantains. I now beg to request your consideration of the following observations:

1. The allowance of plantains and of salt fish is ample. The best friend to the labourer cannot wish to see it augmented. I refer you to the 5th paragraph of my instructions to the Special Justices of this Province, dated the 1st of August, 1834, as to my opinion upon the subject; and as a proof of my unwillingness to entertain complaint so long as the labourer himself is satisfied. My expressions in the instructions alluded to are as follows:—

"5.—The weekly allowance of salt fish and of plantains has been represented to me by several gentlemen, whose honour and veracity I can depend upon, as being more than is required by a labouring man; and it has been stated to me that it is the general custom not to issue more than two pounds of salt fish and fifty-six pounds of plantains per week, and to make up to the labourer the value of the difference with sugar, rum, tobacco, and other extra articles not mentioned in the tariff. To any amicable arrangement of this sort I can have no objection, provided the labourer is satisfied. If, on any estate, there should be any complaints on the part of the apprenticed labourers as to an insufficiency of food, or in any way connected with the subject of their provisions, it will be your duty to enforce the tariff with the utmost punctuality;—on the other hand, it is a very material object, and one quite in unison with that good feeling between the landlord and the labourer which I feel it my duty by every means in my power to to encourage, that the latter should feel that his comforts and his happiness will very much depend upon his own good conduct and upon the approbation of his employer. I wish that the apprenticed labourer should always be instructed to complain to his employer in the first instance, and not be encouraged to apply to the Special Justice—excepting it is of his employer himself he has to complain, or that he cannot otherwise obtain redress."

2.—I need not point out to you, gentlemen, that the cultivation of plantains and of provisions for the labourers, has, of late, considerably and rapidly diminished. The excellent and prudent Dutch regulation, by which every estate was obliged to have provision grounds, in the proportion of one acre to every five persons, has become a dead letter. The periodical visits and reports of the Burgher officers to ascertain that the foregoing regulation was complied with, have been discontinued. The fines levied by order of the Court of Policy upon defaulters have not been heard of for some time. The profits to be derived from the cultivation of sugar and other Colonial produce, have induced the planters in general, to apply all disposable labour towards the production of those articles which afford the greatest returns; and the anomaly has arisen (and if not checked in time, will reach a still greater height), that in a country where every

necessary for the subsistence of man can be raised with the least possible trouble, the labouring class have, in a great measure, to depend for their subsistence, upon *corn, meal, and rice* imported from other countries. No less quantities than 951,024 lbs. of Indian Corn meal, and 3,915,396 lbs. of rice were imported into the River Demerary during the year 1836, and if we may judge by the quantity of these articles of provision imported from 1st of January to 31st of March last, the importation during the present year, will be at least three-fold of that of last year.

3. Under the circumstances I have depicted, and in consequence of complaints and representations having been made to me of the *insufficiency of the quantity of food* issued to the labourers in lieu of the plantains (the allowance of which, as I have before said, is ample), it became my duty to look carefully into the subject, and to ascertain whether the issues of other articles of farinaceous food, allowed by His Majesty's Order in Council of the 2nd November, 1831, to be substituted for plantains, accorded with the spirit of the Order. In Sir Benjamin D'Urban's proclamation of the 18th of January, 1833, issued to carry into effect the details of that and the subsequent Order of the 6th November, 1832, I find ten pints of flour of wheat substituted for twenty-one: ten pints of Indian corn meal for twenty-one; and ten pints of rice ordered as a succedaneum for 70 lbs. of plantains. It must have been under the impression that plantains were to be the permanent ration, and that the issuing of the imported articles of a farinaceous nature in lieu thereof, was to be a temporary or occasional measure, only to be resorted to in the event of a failure or dearth of the plantain crops, that my estimable predecessor could have affixed his name to such a diminished tariff. *I have felt, however, that it was impossible for me to sanction the continuance of a state of things, not only at variance with the spirit of several Orders in Council, but calculated in my view of the subject to injure the permanent interest of the Province.*

"4. The only three articles which, in my Proclamation of the 24th instant, I have caused to be augmented in quantity, to which it will be necessary for me to draw your attention, are, 1st, wheat flour, 2ndly, Indian corn meal, and 3rdly, rice. When these articles are issued, they must be purchased from the importers; and, consequently, any augmentation to the quantity of each or either of these articles of farinaceous food issued per week to the labourer, adds to the expenditure, and in so much diminishes the profit of the estate.

"5. With respect to the wheat flour,—you, gentlemen, know full well, *that the labourer of British Guiana is not acquainted with even the taste of wheat flour;* and that it is perfectly innaterial to him and to you, whether the words twenty-one pints of wheat flour, as found in the Order of Council of the 2nd November, 1831, or ten pints of wheat flour, as specified in Schedule A, attached to Sir Benjamin D'Urban's Proclamation of the 18th January, 1833, are considered valid. *You never have purchased a cask of flour, for the purpose of issuing the same to the apprenticed labourer.*

"7. The article of rice is not mentioned in the Order in Council. Sir Benjamin D'Urban, in his Tariff, places, however, ten pints of rice as equal to ten pints of Indian corn meal, and having shown you that three pints of the latter are required for the daily subsistence of a labourer; I consequently assume that he will require the same quantity of the former.

"8. With respect to my authority to issue the Proclamation of the 24th instant, and with which you appear to be unacquainted, it is only necessary to observe to you, that the Order in Council of the 2nd November, 1831, establishes a certain scale of provisions, and authorises the Governor to issue, *from time to time,* Proclamations directing the substitution for the provision aforesaid, of any other provisions *equivalent to and equally nutritious* with the same. The authority thus given to the Governor is very considerably enlarged by the subsequent Order in Council of the 6th November, 1832; it being declared in the said Order in Council lawful for the Governor, by any Proclamation to be by him issued *from time to time,* to suspend so much and such parts of the Order in Council of the 2nd November, 1831, as shall appear applicable to the state and condition of the said Colony, and to establish *such other rules and regulations* as shall to such Governor appear to be more compatible *with the interests of all parties, &c.* The Act abolishing slavery was passed upon the 28th August, 1833, and in the

eleventh clause of that Act, it is enacted, that during the continuance of any such apprenticeship as aforesaid, the person or persons, for the time being, entitled to the services of every such apprenticed labourer, shall be bound, and is, and are hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance, and such other maintenance and allowance, as by any law now in force in the Colony to which such apprenticed labourer may belong an owner is required to supply to and for any slave being of the same age and sex as such apprenticed labourer shall be at the period at which this Act of the Imperial Parliament was passed, *the Order in Council of the 6th November*, 1832, *was the only law in force regulating the food, &c. of the slave in British Guiana*; and as by that law the power was vested in the Governor of making such regulations upon these subjects as to him might appear proper; establishing the same by Proclamation to be by him issued from time to time, it follows, that my Proclamation of the 24th instant is, consequently, in strict conformity to the power vested in me by the Order in Council of the 6th November, 1832, and which power is rendered permanent until the 1st August, 1840, by the Act of the Imperial Parliament. The confirmation by His Majesty of the Tariff promulgated by Sir Benjamin D'Urban, in preference to one upon a more reduced scale proposed by the Court of Policy, to be attached to Ordinance 43, and to the impropriety of which I, at the time, drew the attention of His Majesty's Government, after having stated to the Court of Policy, that I should so do, in no way militates against the power vested in the Governor, by His Majesty by his Order in Council of the 6th November, 1832, of estiablishing such rules and regulations upon the subject of the food of the labourer, as from time to time may to him appear to be requisite; subject, of course, as more particularly stated in the Order itself, to the approbation or disallowance of His Majesty.

9. In conclusion, I have now, gentlemen, to acquaint you that although I have not the smallest doubt with respect to the propriety, policy, and legality of my proceeding, yet I am willing in consequence of the statements you have made to me, to suspend the operation of the proclamation for a period of six months, in order to enable you to be better prepared at the end of that period, to provide the additional quantity of farinaceous food you will have to supply to your labourers (when plantains are not issued), either by reverting to the old system of cultivating an ample extent of provision grounds upon account of the estate, or by giving to the labourer land, and allowing him the legal time to cultivate the same; or by taking the necessary measures to ensure a larger importation of rice and Indian corn meal. I am in hopes that the larger quantities of those articles of imported food, which will hereafter be required for the weekly allowance of the labourer, will induce proprietors not only to pause before they still further abandon the cultivation of provision grounds, but may be the means of introducing into general use the allowing of sufficient time to the labourer to cultivate his own ground, a system by which his attachment to the estate from which he may receive his subsistence, can alone, in my opinion, be permanently secured.

To M. M'Turk, G. Fullarton, and J. Lane, Esquires.

No. 6.

Proclamation by Sir James Carmichael Smyth, dated 29th April, 1837.

"Whereas it has been represented to me, by several very respectable proprietors and attornies of estates, that from the small quantities of rice and of corn meal in hand, and the diminished extent of the plantain and provision cultivation upon the estates, it will be very inconvenient and difficult to carry forthwith the alterations with respect to the food of the labourers, as directed in my proclamation of the 24th instant, into effect. Now, having taken the aforesaid representations into my most serious consideration, and being duly impressed with the necessity of equally attending to the wants and interests of all parties, I do hereby, by virtue of the power and authority vested in me by His Majesty, by his Order in Council of the 6th November, 1832, which Order in Council is rendered permanent until the 1st August, 1840, by the Act of the Imperial Parliament for the Abolition of Slavery, suspend the operation of my proclamation as aforesaid, for a period of six months—that is to say, until the 1st November of the present year; upon and

from which day the additional quantities as therein detailed, of either yams, potatoes, cocoas, eddoes, tanyas, wheat flour, Indian corn meal, or of rice may be issued, at the option of the employer, to the labourer, instead of the legal allowance of plantains.

No. 7.

Proclamation by Sir James Carmichael Smyth, dated 28th October, 1837.

"Whereas I did, upon the 24th day of April, 1837, issue my proclamation relative to the allowances of food to apprenticed labourers, which might be substituted in the place and stead of the legal and customary quantity of plantains; and whereas, in consequence of representations made to me by certain employers of apprenticed labourers, I did, upon the 29th day of the same month, suspend for a period of six months the operation of the said proclamation of the 24th April last; and whereas certain other inhabitants of this Colony, also employers of apprenticed labourers, have petitioned Her Majesty in Council to disallow the scale of allowances permitted by the said proclamation of the 24th April, to be substituted for a specified quantity of plantains; and whereas the pleasure of Her Majesty in Council, in respect to the said petition, hath not, and for some time yet to come, cannot be communicated: I do therefore issue this my proclamation, suspending, and I do hereby suspend, the enforcement of the said proclamation of the 24th April last, until the pleasure of Her Majesty in Council shall be known.

Provision Grounds, and Time for Cultivation.

On this subject many observations might be added to the statement already published, but the present remarks will be confined to the inadequacy of the time allowed, and to the abuses arising out of the master's power of apportioning it at his own pleasure.

It appears from the evidence taken before the Parliamentary Committee, that these grounds, especially in Jamaica, are often at the distance of some miles from the residence of the negroes, and at a still greater distance from the markets where the produce can be profitably disposed of. (Vide Report on Negro Apprentices Questions.)

It likewise appears that any system of labour which interferes with the half Fridays and Saturdays appropriated by the apprentices to the cultivation of these grounds, must also, to a great extent, deprive them of their only means of subsistence.

The present Colonial Laws enable the employers to do this by means of fractional allowances; and steps ought to be instantly taken for putting an end to so flagrant an abuse.

It is obvious, indeed, that in cases where a considerable distance has to be travelled, either to the provision ground or to the market, the allowance of a few hours only, at intervals of the master's service, is insufficient for the purpose of cultivation; the whole of the time may be thus consumed upon the road, while the letter of the act is ostensibly fulfilled.

The spirit of the Imperial Act undoubtedly requires the establishment of fixed and equitable rules for the apportionment of the requisite period; and likewise that the time necessarily consumed in going to and from the provision grounds, should be allowed to the Apprentices. The 11th section of that Act provides that an *adequate* portion of time shall be allowed "for the *proper cultivation* of such food, and for the *raising and securing the crops* thereon grown." Any apportionment of time, therefore, though nominally correct, which practically leaves to the negro an insufficient period for the performance of these essential duties, is a manifest violation of the Imperial Statute.

Neither (as connected with this subject) can there be any reasonable question that the period appropriated to the employer, ought to be strictly limited to the number of hours allowed by the Act, so as to include the time spent in going to and from the scene of labour, which is as truly employed in the master's service as any other portion of the day.

On the insufficiency of the whole time allowed for these necessary purposes, the reader is referred to the opinions expressed in a former number of the Anti-Slavery Reporter, Vol. 5, and to the authorities therein quoted. But it is plain that if a period of forty days in the fertile colonies included within the jurisdiction of the Order in Council of 1831, was requisite for Slaves, and at a time, moreover, when they enjoyed various indulgences which are now withdrawn, any diminution of that amount, under the present system, as in Trinidad, the Mauritius, and the chartered colonies generally, must be considered an unjust privation, and a grievous hardship. That the most liberal allowance of forty days was at all times insufficient for the intended purpose, will more distinctly appear, however, from the following extract. (Vide Anti-Slavery Reporter, Vol. v. p. 21, *et seq.*) Adverting to the General Order in Council of 1831, the able writer observes:—

"But what does the present Order prescribe on this vital and all essential point! It appropriates to the slaves only *forty* days in the year, for the cultivation of their grounds, in all those cases where the owner makes his election that the slaves shall entirely grow their own provisions, instead of being fed by means of a fixed allowance. But this portion of time, even supposing the land to be good and conveniently situated, is wholly insufficient for the purpose. It is in fact a most material abridgement of the time which the slave is now forced to appropriate to raising his present scanty subsistence. In Jamaica, and in other colonies where the slaves grow their own provisions, all the Sundays in the year, and twenty-six week days besides, (making in all seventy-eight days,) have been regularly appropriated by law (and we shall assume the law to have been executed) to the cultivation of their provision grounds; but even that time is proved by the results to barely sufficient to enable them to maintain themselves and their families. This view of the matter, it is true, has been strenuously denied by some West Indian writers, but the falsehood of their representations has been over and over again demonstrated with an overwhelming force of evidence. Those who wish to see that evidence collected in one point, have only to read with attention the irrefragable statements in Mr. Stephen's Delineation on this subject, and a long note which we have inserted in our second volume, No. 41, p. 314—318, and which it will therefore be unnecessary for us to repeat in this place. The result of that evidence, (and it is, in every instance, the evidence not of abolitionists, but of West Indian planters,) is, that without the employment of the Sunday, in addition to twenty-six other days in the year, the negroes must be unable to supply their wants. Twenty-six days are now given to them; *but still they must labour on the Sunday or starve.* Now what does the present Order prescribe on this head? Sunday labour for the master's benefit has by that Order been absolutely prohibited, it being declared to be the principle and intention of Government that "Sunday should be to the slave population, in *all* the Colonies, a day of entire relaxation from compulsory labour, and open to be devoted to religious duties and to moral instruction," and especially that it "should be wholly clear from the demands of the master and the *necessities* of the slave." These are the words of the Secretary of State on the 3rd and 15th September, 1828. (See our vol. iii., No. 52, p. 55.) Yet the present Order gives to the slave, for the culture of his ground, only forty days in lieu of the seventy-eight days which were formerly considered, and even by the West Indian Legislatures, as not more than adequate to that object. Now as it is most clearly the benevolent intention of the Government that Sunday shall be strictly a day of repose for the slave, during which, indeed, he shall be invited and encouraged to avail himself of all the means of education and religious instruction within his reach, but which, with this exception, he shall be allowed to devote to the recruiting of his exhausted strength by rest from labour; and to purposes of recreation and domestic enjoyment; it is not easy to account for the appropriation to his use of only forty week-days in the year for his grounds; and as this time must prove insufficient for his maintenance, a large portion of each Sunday, if not every Sunday in the year, must still be occupied by the slave in cultivating his provision grounds, in order, if not to save himself and his family from famine, at least to ensure them a subsistence. But by this unavoidable, and therefore really, though indirectly, compulsory desecration of the day, its moral and religious benefits must be greatly impeded, if not wholly frustrated. The habit of secu-

larizing the Sunday, and turning it from its spiritual uses to the ordinary pursuits of life, will not only be rendered necessary by this law, but will place the supreme authorities of the state in this predicament, that while they are professing to have at heart the entire and exclusive dedication of Sunday to its higher and more legitimate ends: yet, by their own special act, they render it impossible for the slave to abstain from labour on that day. We trust that Government will reconsider the bearing of this clause on the happiness and comfort of the slave, and on the success of all their purpose of elevating his moral and intellectual condition. Less than seventy-eight week-days, it is clear, will not and cannot suffice in order that he may have it in his power to enjoy a Christian Sabbath. By the present arrangement also, only forty days in forty successive weeks being given to the slave, the slave, during twelve weeks, or one whole quarter of the year, may be wholly precluded from having a single day for his grounds, or even from bringing thence, for himself and his family, the weekly supply of the food they require, unless he shall occupy the Sunday with that indispensable labour. These three months also, during which he will thus be debarred from visiting his grounds except on Sunday, the planters, with whom it rests to make the choice, will generally and naturally fix in the season of high crop, February, March, and April, that they may then engross the whole time of the slave without interruption. But this also is the season the best adapted for clearing his own ground of trees, shrubs, and weeds, and preparing it for being planted, in time to meet the early rains of the year."

On the same subject, the following extract from a despatch of Lord Aberdeen to the Governor of Tobago, dated the 1st April, 1835, may be inserted for the purpose of explaining the nature of the compact between the employers and the apprentice. In objecting to the insufficient period allowed to the apprentices for the cultivation of their ground in that Colony, his lordship observes:—

"The effect of so short an allowance must be, to cast on the cultivator of the soil the duty of maintaining himself by a deduction not from the forty-five weekly hours assigned to the employer, but from his own leisure. This, however, would be an infringement of the compact made with Colonies for the especial benefit of the emancipated slaves; and, therefore, the Council and Assembly of Tobago must be called upon to review and amend this enactment."

Rations and other Allowances in Jamaica and other Chartered Colonies.

It may be observed, that in Jamaica the apprentices are principally supported by allotments of provision grounds, and hence the great importance of adequate regulations with respect to hours of compulsory labour, and hours for cultivation of grounds in that Colony.

The following extract from the "Act for the Government for Slaves," adopted into the Abolition Act of that Colony, will show the nature of the provision now made for apprentices. The 11th clause indicates, in general terms, the allowances to slaves; the 51st clause specifies the quantities to be supplied to imprisoned slaves.

Extract from the Jamaica Act for the Government of Slaves, 19th February, 1831.

"Clause XI. And be it enacted by the authority aforesaid, That every master, owner, or possessor of any slave or slaves, or his or her overseer or chief manager, shall, under the penalty of ten pounds for each neglect, cause the condition of the negro-grounds to be inspected once in every month at least, in order to see that the same are cultivated and kept up in proper manner, of which oath shall be made, as in this Act is hereafter directed: and whereas, in some parts of this Island, there may not be lands proper for the cultivation of provisions, or where, by reason of long continuance of dry weather, or other casualty, the negro-grounds may be rendered unproductive: then, and in that case, the masters, owners, or possessors do, *by some other ways and means, make good and ample provision* for all such slaves as they shall be possessed of, in order that they may be *properly supported and maintained*, under a penalty not exceeding twenty pounds.

"Clause 14. And be it further enacted by the authority aforesaid, That the keeper of every workhouse or gaol in this Island, shall, under the penalty of ten pounds for every neglect, provide and give to every slave confined in such workhouse or gaol, a sufficient quantity of good and wholesome provisions *daily*; that is to say, not less than *one quart* of unground Guinea or Indian corn, or *three pints* of the flour or meal of either, or *three pints* of wheat flour, *eight* full grown plantains, or *eight pounds* of cocoas or yams, and also *one* herring or shad, or other salted provisions equal thereto; and shall also, under the like penalty, provide and supply every slave, confined as aforesaid, with good and sufficient clothing, where necessary."

On reference to the Tabular view of apprenticeship provisions, it will be seen that this prison allowance is more than twice the allowance of the Leeward Islands to field slaves.

The weekly rations of the other Chartered Colonies will be seen on reference to the Table at the end of the article marked (B.) But it may be proper to insert at length the provisions of the Leeward Islands, by which the Colonies of St. Christophers, Nevis, Montserrat, and Dominica appear to be now regulated.

First Clause of the Slavery Amelioration Act of the Leeward Islands.

"And be it, and it is hereby enacted and ordained by the authority aforesaid, That every owner or director of any slave or slaves within the Leeward Islands, shall weekly and every week, under the penalty of ten shillings per head for each and every slave under his or her direction, for every omission, purchase or provide at the rate of the following quantities of provision; that is to say, for every slave, at the rate of nine pints of corn or beans, or eight pints of pease, or wheat, or rye flour, or Indian corn meal, or nine pints of oatmeal, or seven pints of rice, or eight pints of casava flour or farine, or eight pounds of biscuit, or twenty pounds of yams or potatoes, or sixteen pounds of eddoes, tanyas, or tyres, or thirty pounds of plantains or bananas, and also one pound and one quarter of herrings, shad, mackeral, or other salted provisions, or double the quantity of fresh fish or other provisions; all which said provisions to be of good and wholesome quality; provided nevertheless, that every such owner or director shall have the absolute and uncontrollable right of distributing and dividing all and every such quantities of provision so to be divided as aforesaid, unto and amongst all and every his slave or slaves, in such proportions, shares, and allowances as he shall think proper, according to the different labour, size, age, and strength, or otherwise, of all and every such slave and slaves, and as the time shall appear to him, in his discretion, eligible or right; but, notwithstanding such discretionary power, such owner or director shall actually distribute, weekly and every week, among all his slaves, the quantity of provisions hereinbefore directed to be purchased or provided, under the penalty aforesaid for every omission."

It may, perhaps, be doubted whether the unwarrantable discretion allowed to the employer under this law, of apportioning these provisions at his pleasure—a discretion, which, in effect, leaves the subsistence of any individual apprentice entirely at his mercy—is permitted under the new system. The language of the Abolition Acts seems, however, to suppose this; and, at all events, the ambiguity is in the highest degree dangerous and objectionable.

With respect to the utter inadequacy of the Leeward Island allowances, even if fairly distributed—and likewise of the allowances of the other Chartered Colonies in general—no doubt whatever can be entertained.

The following extract, from a despatch of Lord Goderich to the Governor of the Leeward Islands, dated the 28th June, 1831, sess. 1832, No. 733, will show that enlightened stateman's opinion of the Leeward Island allowances, even with the addition of those "indulgences" which are now withdrawn. It is true, that the actual allowances to which Lord Goderich adverts have *one* pint of meal per week less than the present legal allowances; but this difference was far more than compensated by the indulgences formerly enjoyed.

"The Council further report that each man and woman receives one pint of corn meal daily, with something less than half a herring, 'besides molasses, sugar-cane liquor, and occasionally other indulgences.' Of these indulgences, the

occasional allowance of the rest of the day after twelve o'clock, for the cultivation of provision grounds, is mentioned as an illustration, and it is added that as much ground as the Negro thinks fit, is universally allowed for the purpose.

"Upon these statements I must observe, that the allowance of food which the slave can claim of right is so singularly deficient for the reasonable sustentation of human life, that I should have considered the account as quite unworthy of credit, had I found it in any less authentic document. The weight of a pint of fine wheat flour, is about half a pound. The quarter of a peck loaf, which is usually bought and sold in this city, was till lately required by the Stat. 59 Geo. III. c. 36, sec. 10, to weigh four pounds five ounces and a half. The loaf, which in general language now bears the name of a quartern loaf is, I understand, usually of about four pounds weight. Thus it would be a very favourable supposition to suppose that each working slave was supplied of right with food equal in quantity to one of those loaves weekly. The two herrings which complete his weekly stock of provisions can add little to his sustenance. It is certainly no exaggeration to say that a robust man, engaged in severe labour in the open air, would consume in two days the provisions thus allowed for seven, if the demands of nature were fairly supplied.

"If no yeast or other leaven is provided, and if no fuel or apparatus for cooking be found, the daily pint of meal must be greatly inferior as nutriment to the eighth part of one of the loaves to which I have referred.

"I find in the report of the Committee of the Penitentiary at Millbank, printed by order of the House of Commons, on the 17th of March, 1823, that the regular dietary for males in that establishment was as follows: one pound and a half of bread, two pints of soup, and one pint of gruel daily, the soup being made with meat, vegetables, pease, or barley. Thus prisoners confined in a gaol in England, and subjected to no particular severity of labour, receive an allowance exceeding four or five-fold that which the law of Nevis appears to allow for the support of men performing the most unremitted toil.

"I have hitherto noticed merely what is represented as the legal allowance; it would of course be impossible that human life could be supported at all under such circumstances, unless some additional indulgences were granted. I have no means of estimating the amount or value of those which the slaves actually enjoy. They must vary according to the humanity, or the wealth, or even the caprice of different owners. It is, however, most unreasonable that a matter of such vital importance should depend upon any such casualties. In the case of the Stapleton estate, though the owner was a nobleman eminent for his humanity, yet during his unavoidable absence in the public service, it is proved beyond dispute that no such indulgences were allowed by the resident agent, Mr. Walley, as were sufficient to preserve the unfortunate people committed to his care from wasting away with frightful rapidity, under the combined pressure of the most severe and unrequited labour, and the most inadequate sustenance. How far the condition of other slaves may be superior to theirs, must remain a matter of conjecture and painful uncertainty. But it is clear that very few can have the good fortune to belong to a proprietor equally solicitous for their welfare, or more competent to promote it.

"I should, therefore, feel myself wanting to a sacred duty, were I not to enjoin you, with the least possible delay, to press this subject on the attention of the legislatures of St. Christopher, Nevis, and Tortola. You will point out to them the indispensable necessity for making a much more liberal provision by law for the diet of the slaves.

"It would be difficult for me to express the regret with which I address you on such an occasion as the present. No office can be more irksome than that of writing remarks which seem to reflect injuriously on a whole society. The duty is the more unpleasant, in consequence of the tendency which such discussions may have to irritate feelings which I greatly desire to allay. But every other consideration must yield to the imperious obligation of leaving nothing unattempted by which a stop may be put to practices so utterly at variance with the immutable principles of humanity and justice."—pp. 85, 87.

The following extract from the Anti-Slavery Reporter, vol. iv. p. 295, will further exhibit the character of these Leeward Islands provisions:—

"It cannot be supposed to be the intention of the legislature of Jamaica to

pamper their criminal slaves, or their apprehended runaways, by giving them a superabundance of food. On the contrary, the utmost that justice and humanity could require, would be that the food afforded to those offenders against the laws, should be *sufficient*. But when we compare their twenty-one pints of flour a week with the eight pints allowed in Demerara and the Leeward Islands, to hard working field slaves, toiling under an exhausting sun from day dawn to dusk, and often much longer, what must we think of the cruel parsimony which can have dictated such a law?—a pint and one-seventh, or about a pound of raw undressed flour, and three ounces of salt fish a day! The utmost such a pittance could do for him would be to keep soul and body together for a brief space. In truth, it is an absolutely starving allowance, and of itself sufficiently explains the frightful waste of life in our slave Colonies. Still we think that each of these advocates of the sufficiency and humanity of this provision, if he persists in his plea, is bound fairly to put the matter for once to the test of a week's experiment in his own case, and to favour the public with the result. And if not, he is at least bound to refute the authentic facts which Mr. Stephen, in the second volume of his Delineation of Slavery, has adduced to prove the miserable and destructive insufficiency of such an allowance as that which is here held forth as ample. (See his eighth chapter, p. 243 to 341.) "The shocking and opprobrious result" of the elaborate comparison which Mr. Stephen has there instituted between the allowances to the field slaves in the West Indies; and those to the inmates of our gaols and penitentiaries, both when idle and when put to hard labour, in England; is thus stated by that able and accurate writer.—

"'The English vagabond or felon, when imprisoned for his crime has a subsistence which, on the lowest general estimate that can be formed, is, at least, two-fold superior in nutritious value to that of the poor West Indian negro, whose freedom has been forfeited by no crime of his own, but solely by the deep, publicly acknowledged, legislatively recorded crime of this enlightened Christian land, perpetrated against himself or his African progenitors. The one is thus fed while in idleness. When forced to labour, his subsistence is still greater. The other (the slave), though his forced and permanent labours are twice as great, has at best, not half the food. Yet the former's allowances are limited by the necessity of the case, the necessity of saving him from the wasting of the body, from debility, sickness, and death. What, then, must be the consequences of giving less than half the subsistence to the ultra-laborious slave? What they actually are, my readers have sufficiently seen. They cannot be better summed up than in the emphatic words of Dr. Collins,* in his Practical Rules, &c. p. 87, 88. 'With so scanty a pittance (he says), it is, indeed, possible for the soul and body to be held together for a considerable time with no other resource.' 'They (the negroes) may crawl about with feeble emaciated frames,' but 'their attempts to wield the hoe prove abortive; they shrink from their toil, and being urged to perseverance by stripes, you are soon obliged to receive them in the hospital, whence, unless your plan be speedily corrected, they depart but to 'the grave:' and he goes on to 'aver it boldly,' on the 'ground of his own experience, that numbers of negroes have perished annually by diseases produced by inanition.'" (Stephen's Delineation, vol. ii. p. 318.)

But even were such conclusive authorities on this subject wanting, no hesitation could be felt in denouncing the incredibly minute allowances of Tortola, Trinidad, the Mauritius, and other Colonies, whose provisions are more particularly adverted to in the note to the Table marked (B).

That Colonial avarice should be capable of proposing such miserable allowances is not indeed surprising; but that these allowances should have hitherto escaped the reprehension and disallowance of the Privy Council seems altogether inex-

* Dr. Collins was an eminent medical practitioner in St. Vincent's, where he became possessed of many slaves. He was one of the most able and zealous apologists of the West India system. He published a work, entitled "Practical Rules for the Management and Medical Treatment of Negro Slaves in the Sugar Colonies," which was so highly valued by some West Indians, that Mr. G. Hibbert, the agent of Jamaica, caused an extensive edition of it to be printed and circulated. It was not till afterwards that the melancholy impression of the condition of the negro slave, which this faithful though indirect exhibition of its evils was calculated to produce, became fully known to the public. Mr. Stephen has drawn from it a most remarkable confirmation of every part of the horrid case which his own masterly "Delineation of Colonial Slavery" has laid bare to the eye of the national conscience.

plicable. It remains to be seen whether when the cruelty, injustice, and inadequacy of the present provisions are placed in contrast with the peremptory and *continuing* requirements of the Imperial Statute—When the whole subject, is finally brought before the competent authorities,—and while yet a remedy exists,—a deliberate sanction will be given to enactments which violate the plainest principles of humanity, and are altogether at variance with the positive, the still existing, and still obligatory injunction of the Imperial Act—namely, that where former regulations have proved *inadequate*, such regulations shall for the future be amended, and made adequate to the exigence of the case. But even this measure of justice as already observed, would make no compensation to the aggrieved apprentice for the previous loss of that scanty pittance which the law has awarded him for his laborious services; for which therefore some other substantial and satisfactory mode of redress ought likewise to be provided.

Medical Treatment and Allowances in Sickness.

Among the acknowledged rights of the negroes in a state of slavery, were those of medical assistance and support during sickness; and these rights have descended to them without dispute as apprentices. But, although the rights themselves have not been denied, it was very evident, that the diminished, and gradually diminishing interest of the employer in the physical well-being of the negro, consequent upon a change of system, made some additional securities advisable for the future performance of these offices of humanity. Accordingly, Lord Stanley in commenting upon the slight notice taken of this subject in the first Jamaica Act, suggested, that "a proportionate strictness of legal obligation" should henceforth be adopted. This recommendation was met in the second Jamaica Act, by a provision in clause eight, imposing upon the master the obligation of furnishing "the same medical care and attention as had heretofore been customary," and enacting that the negro should in like manner "be subject to all such necessary sanatory restraint and control as the medical attendant shall direct." This clause, it will be observed, does not pretend to give greater securities than the negro formerly enjoyed, and, consequently, by no means corresponds with the exigence alluded to by Lord Stanley. The provisions applicable to both periods are made exactly the same,—the only difference being, that whereas by the Slave Law of Jamaica a neglect to provide for sick and infirm slaves might have been visited by a specific penalty of £20, and the maltreating or keeping him in confinement without sufficient support might have been punished by a specific fine of £100, and in more atrocious cases, the injured slave might have been declared free, and entitled to an annuity of £10. per annum for life, (vide p. 17—29.)—Now, by the Abolition Law, on the contrary, the same neglect or ill-treatment can be summarily punished only by a fine of £5, no portion of which sum goes in compensation to the aggrieved apprentice. Yet, Mr. Burge in his answers before the Parliamentary Committee (vide Report on Negro Apprenticeship, question 2760, *et seq.*), being pressed on this subject, deliberately declared, that Lord Stanley's objection was completely removed by the enactment in the second Jamaica Act, and that the clause in question had completely fulfilled his wish and expression—"he really did not know what more precise or definite regulations could have been adopted."

The whole of his evidence, in short, went to prove, that the legal and practical objections previously urged against this defective branch of Colonial Regulations were unfounded.

Sir Lionel Smith's recent message to the Jamaica Assembly must, therefore, be again quoted for the purpose of rebutting this incorrect assumption. His language is this:—

"A law seems wanting to supply the estates' hospitals with sufficient attendants on the sick apprentice, as well as for the supply of proper food, as they cannot depend on their own grounds whilst unable to leave the hospitals—*the eighth clause of the Abolition Law has not been found strong enough to secure these necessary attentions to the sick.*"

The reader will infer the extent to which abuses of this description must have

proceeded before an initiatory proceeding would emanate from the executive. The failure of this effort has been already stated.

It now only remains to point out briefly, but somewhat more specifically, the grievances to which such apprentices have been subjected.

The natural policy of the planters, under this defective law, has been, to lose as little labour, and to incur as little expense as possible, on account of sickness among their apprentices. This has been to a great extent effected by treating complaints of sickness as mere pretexts requiring punishment; and where the sickness could not be denied, of providing only such miserable relief as compared with such harsh restrictions, make the silent endurance of much labour and disease preferable to the wretched provisions of the law.

The sanatory restraints of estates' hospitals constitute in themselves a species of imprisonment, aggravated by privations, neglect, and inhumanity; but hospitals have been positively used as additional places of confinement after the apprentice has been kept in the estate's dungeon for the legal number of hours, thus fulfilling the economical purpose of a double terror to two distinct classes of offenders,—the idle and the sick.

Moreover, the medical practioners of the estates, who pronounce upon the reality of the sickness complained of, and likewise prescribe the nourishment and general treatment which the planters are obliged by law to provide, are employed and paid by, and are mostly dependent upon the planting community, whose interests, it cannot be any disparagement to suppose, they will more or less unwillingly be compelled at times to prefer.

The practical evidence on this subject before the Parliamentary Committee, is chiefly contained in the evidence of Dr. Madden, himself a medical practitioner and special magistrate, (vide questions 605, *et seq.* and 742, *et seq.*) which will be found to corroborate most of the observations previously made.

In answer to question 742, *et seq.* Dr. Madden observes, that the punishment of shamming sick is the source of the greatest hardship and cruelty he knew in the Colony; and that many such cases were brought before him. In one case, he states, that a female was brought up for punishment of shamming sick, whom he discovered to be "*labouring under one of the most severe diseases that a woman can suffer under,*"—the nature of which disease he afterwards explains. And, yet in this case, as appears from the answer to question 759, the medical man of the estate had examined the woman, and had (probably from inattention) declared her to be in a state fit for labour.

The evidence, likewise, of Captain Oldrev, respecting the ill-treatment, and the consequent death of Tabitha Hewitt, and the general neglect of the sick apprentices on the same estate, (vide questions 2889, *et seq.*) exhibits the conduct of probably the worst class of proprietors in Jamaica. But the evidence does not end here,—if any doubt remained as to the inadequacy of the present law in Jamaica,—or the frightful abuses practised in these places, significantly termed "hothouses,"—or of the necessity of devising some means of improvement and redress,—reference might, without impropriety, be here made to an authentic work, recently published by a Jamaica proprietor (avowedly the Marquis of Sligo) who, though not a witness examined by the Parliamentary Committee, must be presumed to have now supplied the substance of that official evidence which he would have tendered had he personally appeared before that tribunal.

Recapitulation.

The design of the article on food, maintenance, and other allowances as already stated, "has not been to expose all the abuses of Colonial regulations and practice in this vital portion of the apprenticeship laws, but merely to substantiate some important points which were left in the Anti-Slavery Statement for further explanation. Hence a variety of other topics intimately connected with this subject, and of great importance, are necessarily left untouched.—Such are those more especially which relate to insufficient allotments of provision grounds; to the arbitrary power of withdrawing ground and substituting rations; to the injurious effects of varying the mode of subsistence at short intervals; and to the general absence of laws enforcing the punctual delivery of food and clothing—

the last is a pervading defect in the Chartered Colonies, and with the better ex-ample of the Crown Colonies, and of the old slave provisions before them, it must be consided as altogeher inexcusable.

The subjects particularly adverted to in this Appendix may be thus recapitulated.

The first object has been to prove that the customary allowances and indulgences of slavery, now universally denied as matters of right, and to a great extent practically withdrawn, were of great importance to the negroes—that many of them were absolutely essential—and that in conformity with the spirit of the Imperial Act certainly, and probably with the letter of that Act also, all of them ought to have been as fully enjoyed in the state of apprenticeship as they had previously been in slavery. With respect, however, to the right of receiving such allowances as are shewn to be "necessary," no question can exist, since under a subsequent clause in the Imperial Act *adequate* provision is in all cases positively required to be made.

A second object has been to prove that the farinaceous food of certain Crown Colonies has really been reduced (as alleged in the Anti-Slavery Statement) considerably below the slave allowance of the Order in Council of 1831—namely, to less than *one half* in *British Guiana*; and to less than *one-third* in the *Mauritius* and *Trinidad*.—And that the Order in Council of 1831 was really and truly the law in those Colonies within the meaning of the Imperial Act of Abolition.

A third object has been to prove frauds of time, and other hardships connected with the allowance of provision grounds.

A fourth object has been to expose the monstrous *inadequacy* of apprenticeship allowances in the Chartered Colonies generally; and this has been done by contrasting them with the prison allowance of slaves in Jamaica, and by citing the conclusive opinions of former Secretaries of State, and other unexceptionable authorities.

A fifth object has been to prove that the medical treatment and the sick allowances of apprentices in Jamaica—and the argument might have been extended to other Colonies—has been both in law and in practice, greatly neglected, and that flagrant abuse exist in that department which demand immediate repression.

Looking then at this subject as a whole, it cannot be doubted that a vast amount of positive, and valuable rights—rights as solemnly guaranteed to the negroes by the Imperial Act as any description of rights could possibly be—has nevertheless whether through inadvertence or design is perfectly immaterial to the present purpose—been withheld from them ever since the commencement of the apprenticeship system. It is moreover certain, that no adequate redress can now be applied until four whole years of this system shall have passed away.

The simple question is, what remedy ought to be applied to such a case, and what manner of compensation ought to be given to the aggrieved parties.

This question requires to be considered by all persons dispassionately, not as partizans, but as men of business and of common integrity. It does not belong to the greater elements of the subject,—it is a simple question of pounds, shillings, and pence.

Considering the apprenticeship system then in the light of an honest compact between the parties, a certain amount of labour was to be furnished by one of the parties for six years, for a certain amount of food to be supplied by the other.—The required amount of labour has been rendered during a period of four years. The required amount of food during the same period has not been rendered by at least (on a calculation of varying reductions upon the whole system) the amount of one half. Hence, arrears of allowances equivalent to a period of two years remain to be compensated, and two more years of the compact remain also to run. Which of the two propositions seems the more unreasonable;—namely, that, either during the remainder of the term the labourers shall receive double allowances,—or that the labour of the apprentices, and at the same time their allowances—past and to come,—shall be mutually released, in other words, that the actual arrears shall now be considered as the purchase of any hypothetical advantages which might accrue to the employers by the completion of the term?

This is the distinct question now propounded for the determination of the Government and the country. And apart from the argument arising out of the experimental object originally proposed by the apprenticeship system being now com-

pleted;—apart from the consideration of other and innumerable abuses and hardships, manifestly inseparable from such a system,—regarding the subject as a simple question of comparative allowances improperly withheld, or as a question of cancelling a compact which one of the parties is unable or unwilling to fulfil—to say nothing of higher and nobler motives of action—and not even to allude to the relief which any administration must necessarily derive from the settlement of so harassing a subject,—can it be denied, that a case is established on the subject of food and maintenance alone, calling upon the advocates of delay to re-consider what general principle of equity—what particular principle of British law—what acknowledged precedent—or what open pledge would be violated by an early termination of this oppressive system?

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APPENDIX I.

PUNISHMENTS.

Extracts of Despatches from Secretaries of State, containing principles in regard to the infliction of Punishments, the violation of which, is now complained of.

Extract of a Despatch from Mr. Secretary Spring Rice, to the Governor of Trinidad, dated 8th October, 1834.—*Vide Parliamentary Papers, Sess.* 1835, *No.* 278—11. *p.* 205.

"To adopt the extreme remedies of coercion, and punishment in every state of things short of an extreme case of violence and of crime, is no less reprehensible than it is dangerous. A government in thus misapplying the means at its command, by such ill-judged anticipation, deprives those ultimate powers and sanctions of their full force and authority, when their application becomes absolutely necessary."

Extract of a Despatch from Lord Glenelg to the Marquis of Sligo, 13th June, 1835.—*Vide Parl. Pap.*, 278—1, *p.* 17.

"The judicial punishment of females by whipping, whatever may be their ages, is repugnant to the plain language of the Act of Parliament."

Extract of a Despatch from Lord Glenelg to the Governor of Mauritius, dated 7th December, 1835. *Parl. Pap. Sess.* 1836. *No.* 166—11. *p.* 21?.

"His Majesty cannot admit the propriety of any distinction being made by law in respect to the punishment of offences by apprenticed labourers, and by other persons, when such offences do not relate to the duties owing by the apprentices to their employers. The local legislature cannot have too distinctly impressed upon them the great principle of the legal equality of all classes of the King's subjects in Mauritius, and the necessity of observing the practical consequences resulting from that principle."

Extract of a Despatch from Lord Glenelg to the Governor Sir Lionel Smith, dated, 12th October, 1835.—*Parl. Pap. Sess.* 1836, *No.* 166—11.

"It appears to me, that there are not wanting objections of conclusive weight against the exercise of this discretionary power (flogging on the tread-mill) by the superintendent of the tread-mill.

"These objections apply with peculiar force to the West Indies, where the disuse of the whip to coerce labour on the plantations is so recent as to have still left a peculiar and just dread of power on the one side, with perhaps more than common temptation to abuse it on the other."

Extract of a Despatch from Lord Glenelg to the Governor of the Bahamas, dated 1st December, 1835. *Vide Parl. Pap. Sess.* 1836, *No.* 166—11. *p.* 536.

"That clause," (20th clause of the Abolition Act), "it is true, provides that during the period of seven years after the apprenticeship, a labourer may be compelled to atone to his employer from the time which he may have subtracted from his service by any illegal absence, and for which he may not have made up by labour performed during his own leisure; but between a future adjustment of this final account between the parties, and the imposition of a prolonged apprenticeship as a penalty for crime, there is an essential distinction; and unless you are in possession of some conclusive argument in favour of the lawfulness of such punishments, you will immediately remit all such as have been already imposed, and admonish the special magistrates to abstain from a repetition of the practice

I need hardly observe, that no such argument can be drawn from language contained in the Colonial Statute, which of course cannot supersede or contravene the provisions of the Act of Parliament."

The following despatch, although addressed to the Governor of Antigua, recognises principles which are equally applicable to a Colony under Apprenticeship law.

Extract of a Despatch from the Earl of Aberdeen to Sir E. M. M'Gregor, dated 28th February, 1835.—*Vide Parl. Pap. Sess.* 1835. *No.* 278—1. *p.* 34.

"But while thus assenting to the general principle, I cannot concur in some of the details of these enactments. A whole day's wages of a labourer in husbandry are to be forfeited, if he shall absent himself for 'half, or any smaller proportion of a day.' Thus, according to the plain and inevitable construction of the words, the offence of loitering for a minute might deprive a man of maintenance of himself and his family for twenty-four hours, a punishment which in so extreme a case would be obviously unjust, and prejudicial to the real interests of the employer, as well as to that of his servant.

* * * *

"But under the same head, the crime of drunkenness is classed as an offence, the extreme punishment of which, may be imprisonment with hard labour for three months. This, indeed, is the maximum. But not only is such a penalty quite out of proportion to any mischief which society at large can sustain from a single act of intoxication, and at variance with the prevailing tone of moral sentiment on the subject, but it is also a punishment, which, if justly due in the case of labourers under special contracts, cannot be unmerited in other cases. The circumstance that a man has engaged himself to perform agricultural or manufacturing labour, does not render his drunkenness more injurious to society at large, than if he were devoted to any other species of industry, manual or intellectual."

Extract of a Despatch from Lord Glenelg, to Sir Lionel Smith, dated 10*th June,* 1835.—*Vide Parl. Pap. Sess.* 1835. 278—11. *p.* 35.

"By the 22nd section of the Act No. 89, whatever time an apprentice passes in prison, will render him a debtor to his employer for a double amount, just as though the absence had been voluntary. I consider this twofold punishment objectionable, both as unjust in itself, and as giving to the employer *a direct interest in the misconduct of his apprentice.*"

The following Extract from a circular, addressed by Sir Lionel Smith to the Special Justices of Jamaica, dated 16*th May,* 1837, *will serve to show the severity with which punishments are inflicted in that extensive colony.*

"The Governor, having, in some instances, *observed* the severe effects of corporal punishments upon apprenticed labourers, (not in consequence of the illegality of the amount of punishment awarded, but of its application to offenders who had been subjected to previous flogging), I am directed by his Excellency to repeat the injunction, which has been so strongly urged upon the special magistracy, from the very commencement of the apprenticeship system, and pointedly impressed upon them in numerous individual instances, by his Excellency himself, that the use of corporal punishment should be restricted as much as possible, and, in fact, rigidly confined to offences of a disgraceful or highly aggravated nature. I am further to desire, that it may, on no account, be inflicted on offenders who are not entirely recovered from the effect of previous punishment; and that you take care, that in all cases, the apprentices are perfectly cured before they are removed from the hospital, and required to resume their work."

Comparison of Punishments at different periods.

It seems to be generally admitted, that the aggregate of punishments during the first year of the apprenticeship system was "sufficiently frightful;" but it has been since alleged, that the severity of the system has been gradually mitigated;

and that punishments are now comparatively lenient and rare. In proof of this official despatches and returns have been confidently quoted, more especially those of British Guiana, in which the success of the apprenticeship has been represented to be complete. It will be desirable to ascertain the correctness of these allegations by reference to the despatches and returns themselves, which have been selected and printed for that purpose in the Parliamentary Papers, beginning with the much vaunted Colony of

BRITISH GUIANA—A Crown Colony.

The first returns from this Colony, which contains a population of about 70,000 apprentices, extend from the 1st August, 1834, to the 31st July, 1835, and present a total of 8152 punishments, of which 2177 were corporal, and the remaining 5975 were punishments of other descriptions.

This large amount of punishment, is to a certain degree explained by the Governor, who, referring to this period, in despatches dated respectively 4th March, 1835, (Parl. pap., sess. 1835, p. ii. p. 173,) and 13th November, 1835, (Parl. pap., sess. 1836, p. iii. (2) p. 99,) observes, that the greater number of complaints against the apprentices originated in fraudulent attempts of the employers to compel an unreasonable amount of labour; and that by cruel and oppressive acts of various descriptions, the employers had justly forfeited all claim to the confidence of the apprentices, and excited an angry and discontented feeling.

The removal of these causes of irritation and disobedience, which the Governor announces in his latter despatch, prepares the reader, of course, for corresponding announcements of mitigated punishment; and accordingly, a series of despatches written during the six months following the 1st August, 1835, represent a gradual decrease of punishment, dwindling at length almost to nothing, while the contentment of the negroes, and the general prosperity of the Colony, during the same period, is stated to have advanced in like proportion. In order to ascertain the accuracy of these representations, it may be well to compare the despatches themselves with the official returns of corresponding periods, as follows:—

The aggregate of the year ending 31st July, 1835, is already stated to have been 8152 punishments; an amount which is in part explained by, and in part also explains, the irritation and discontent which at that time is admitted to have existed among the apprentices.

On the 26th September, 1835, a despatch (Parl. pap., sess. 1836, p. iii. (2) p. 56) announces the most perfect tranquillity, happiness, and industry, throughout the Colony, the consequence, as it is inferred, of a milder system. Yet the official returns of punishments in this and the preceding month taken together, amount to 1906 cases, showing an increasing ratio over the monthly average of the past year of more than one-third.

On the 13th November, 1835, a despatch already alluded to, affirms that the good conduct, industry, and subordination of the labourers throughout the whole of the province, cannot be "exceeded by the same number of people in any part of the world;" and this state of things is quoted as "irrefragable proof" of the complete superiority and triumph of *mild* measures over the harsh, degrading, and revolting conduct formerly judged indispensable. Yet the official returns of punishments for this and the preceding month taken together, amount to 1742, showing an increasing ratio over the monthly average of the past year of more than one-fourth.

On the 12th December, 1835, a Despatch, (Parl. pap., part iii. (2) p. 105) announces, that the dissatisfaction of the planters at the late change is fast wearing away; that punishment is decreasing, and that the good conduct and industry of the apprenticed labourers universally, exceeds the expectations of their best friends; that the affairs of the Colony (in short) cannot be going on better. Yet the official return of the preceding month, to which the Governor refers, amounts to 797 cases, which, taken as the average of the whole year, would still make an increase of 1412 punishments over the aggregate of the past year.

On the 19th March, 1836, a despatch, written in order to deprecate the abandonment of the apprenticeship system, (Parl. pap., part iii. (2) p. 161) affirms, that "no act of tyranny, of cruelty, and of oppression, can take place without the speedy

detection, exposure and punishment of the person so offending;" and that the result as seen in the "happiness and tranquillity of the labourers," and "the immense additional quantity of produce," ought to satisfy the most sceptical. Yet the official returns of this and the preceding two months taken together, amount to 2493 cases, still shewing an increase of more than one-eighth, over the average of the past year, during which, severity, oppression, and discontent are admitted to have prevailed.

In a word, the official returns of punishments during the supposed happy period of *ten* months, immediately succeeding the first year of admitted severity, oppression and excitement, amounts to 8078 cases, being only seventy four cases below the entire aggregate of the past year, and shewing an increasing ratio of punishment upon the whole of the year of more than one-sixth.

In the mean time, a steady increase in the produce of the great staple commodities of this colony, actually gives, for the year 1835, not merely a surplus of one-twelfth over the entire produce of the year 1833, when avowed slavery existed, but of one-fifth over the produce of the preceding year of the apprenticeship system, a surplus which will be seen to correspond very nearly with the increase of punishments during the latter period; and this result is now quoted as proof sufficient to convince the most sceptical that the apprentices have during this period of commercial prosperity been treated with greater kindness, and satisfactorily remunerated for their extra exertions.

In what then, it may be asked, does this boasted mitigation of punishment, producing such supposed happy results to the negro consist? It has been shewn, that during the period in question, so far from there having been a diminution in the sum total of punishments, there has been an alarming increase. The mitigation, therefore, if at all, must have been in the nature, and not in the amount of punishment. A change has undoubtedly taken place, and one which will certainly, to a great extent, explain the admitted increase of produce.

It consists, merely, however, in a general substitution of *penal labour* in the master's service, for corporal punishments, which were more commonly inflicted during the first year of the apprenticeship; and it admits of this explanation.

The large proportion of punishments by flogging, observable in the first year's returns, was found to present evidence too palpable and conclusive of the cruelty of the apprenticeship system. Flogging had already accomplished its purpose of inspiring terror, and more dispassionate consideration naturally suggested, that a method less repulsive to the public, and at the same time, more profitable to the planter, though in reality, more permanently injurious to the negro, would combine the convenient qualities of greater apparent lenity towards the one, with additional advantage and security towards the other. Hence, the general *appropriation of penal labour* to the employer, with all its tendencies to multiplication of punishments—and hence, likewise, to a great extent, the admitted increase of produce. Yet this change, and these consequences, are now quoted as irrefragable proofs of the mutual contentment of apprentices and employers, and of the successful working of the apprenticeship system!!

A more complete refutation, however, of such an error, cannot perhaps be imagined, than that which is furnished by Sir J. Carmichael Smyth himself, in a despatch of the 20th June, 1835, which may now be applied to the aggregate of punishments under consideration. In that despatch, adverting to the amount of punishments inflicted upon the negroes of a particular estate, under a system of avowed slavery, he observes,—"It is clear, that if the slaves deserved this dreadful amount of punishment, they must have been a very bad and worthless set. If they did not merit such treatment, the system under which they were managed cannot be deemed otherwise, than to have been most cruel and oppressive." The actual increase of punishments under the apprenticeship system over a previous aggregate, confessedly severe, is now the question. And Sir J. C. Smyth's own alternative, must be quoted as decisive against himself,—for throughout the whole of this period, he invariably eulogises the conduct of the negroes, as being not only perfectly satisfactory to himself, but "as far exceeding the expectations of their best friends;" the inevitable conclusion therefore is, that the apprenticeship system, which he, nevertheless, represents as being equally necessary and advantageous to both parties,—as completely accomplishing its object,—and the abandonment of

which he so earnestly deprecates,—must in reality, be a "most cruel" and "oppressive" system, unworthy of the sanction and support which has been bestowed upon it.

JAMAICA.

A reference to the official despatches and returns of this Colony will present similar results. But it may be remarked, that the Marquis of Sligo, whose views of the favourable working of the apprenticeship system are understood to have subsequently changed, never appears to have entertained that sanguine confidence of the result, which was constantly expressed by the Governor of British Guiana.

The aggregate of punishments in this Colony, between the 1st of August, 1834, and the 1st of August, 1835, is stated to have been 25,395, of which, 7,125 were by flogging, and the remaining 18,270 were punishments of other descriptions. (Parl. pap., p. iii. (1) p. 219.)

This amount of punishment, Lord Sligo, in his despatch of the 22nd January, 1836, (Parl. pap., p. iii. (1) p. 218) attributes, in some degree, to a general ignorance of the new law, and to the irritation of the planters, during the first year after the adoption of the apprenticeship system.

A series of despatches during the succeeding ten months, for which period the returns of punishment have been printed, intimates a progressive improvement in the working of the system, leading to the supposition, that the aggregate of punishment would have diminished in a like proportion. It will be sufficient to refer generally to these documents. A despatch, however, of the 13th December, 1835, (Parl. pap., p. iii. (1) p. 150), is too important to be omitted. In that despatch, his lordship observes as follows:—"The more agreeable part of this report must be the extraordinary revolution which has taken place all over the island, with particular exceptions, in the mutual feeling of master and apprentice." "There has sprung up a spirit of confidence, which I hope, may be nurtured, and I think it will." And again, in a despatch, dated the 1st of January, 1836, (Parl. pap., p. iii. (1) p. 161), his lordship, referring to the impression produced in his own mind, ever since the last summer, by the official reports from different parts of the island, of a gradual improvement, observes as follows:—"I also rejoice in the present state of things, because I am persuaded, that the planters have become aware of the *perilous consequences of harshness*: they have lost their former habits of dominion, and I think, I am not deceived in saying, that with a few very obstinate exceptions, a totally different manner of treatment of the apprentices, which promises the happiest result, has been adopted. However ignorant are the apprentices, they are perfectly sensible to their altered condition, and were so from the commencement. Finding now, that they are effectually protected, they are not so anxious to maintain *in all their strictness*, their newly acquired rights, and very few complaints indeed, are made by them against their masters. In like manner, they know that the law will be enforced against them, and they give but few causes of serious complaint in comparison to what they did at the commencement of the new system."

The favourable opinion thus formed in the mind of Lord Sligo from the improved feeling of the planters, conveniently *assumed* by them at a period immediately preceding the Parliamentary Inquiry into the Apprenticeship System, appears to have been sufficiently dispelled by the circumstances which afterwards occasioned his resignation: and his opinion is now referred to, only for the purpose of showing the small degree of reliance that can be placed on official despatches of this description. This will be best seen by reference to the official monthly returns of punishment during the period in question; from which it will appear, that during the first two months of the second year of the apprenticeship, (vide Parl. pap., p. iii. (2) p. 403) the number of punishments was 9,824, showing an increased ratio of recorded punishment over the monthly average of the past year of more than double its amount. And the lowest monthly record of punishments during this period is 2324, which, taken as the average of the whole year, would still make an increase of 2493 punishments over the aggregate of the past year. While the sum total of punishments for the ten months in question, amounts to 33,022, being 7627 cases above the entire aggregate of the past year. Showing an increasing ratio of punishment upon the whole of the year, of more than one half. And yet these returns are now quoted as indications of a totally different

manner of treatment of the apprentices, promising the happiest results; and as proofs of their efficient protection. May they not be rather adduced as instances of the practical operation of the following erroneous instruction, contemporaneously issued by the Governor to Special Magistrates, namely:—

"As corporal punishment has much diminished in this island, so much so, as indeed to render it probable that ere long it will be possible, without injury, to dispense with it entirely, as has been done in other islands, you will substitute for it, in every possible case, other description of punishments; you will, in all cases, give the *estates*, when possible, the advantage of it, inasmuch as the offence is in general to its detriment."*

BARBADOES.

The official return of punishments in this Colony, from the 1st August, 1834, to the 31st July, 1835, amounts to 7786, of which, 1742 were corporal, and the remaining 6044 were punishments of other descriptions.

In a despatch from the Governor, dated 21st August, 1835, (Parl. pap., p. iii. (2) p. 1) which accompanied this return, he remarks, that the amount is "sufficiently frightful;" but pledges his unceasing exertions to the abolition, as far as possible, of that system of coercion.

This frightful amount of punishment, however, so far from being diminished in the next succeeding ten months, over which the printed returns extend, becomes much more excessive: the aggregate for this period being 10,264, or 2478 more than the entire aggregate of the past year, and showing a nearly double ratio of punishment for the second year.

MONTSERRAT.

The official return of punishments in this small Colony, from the 5th August, 1834, to the 20th August, 1835, amounts to 1034, being about one in five of the entire negro population, (Parl. pap., p. iii. (2) p. 311.) And, although in the official returns for the six months occurring between 1st November, 1835, and 31st May, 1836, evidence of a gradual decrease within that period appears, yet the aggregate of that period still amounts to 532 cases, which is more than half the sum total of the preceding year.

ST. CHRISTOPHERS.

In this Colony, symptoms having been exhibited by the negroes of an intention not to work without wages, the island was placed for a short time under martial law. It is probably on this account, and in consequence of the severities which followed, that the returns of punishment for the first year are not printed with those of the other Colonies.

The official return, however, from 1st September, 1835, to 31st May, 1836, appears in the Parl. pap., p. iii. (2) p. 331; and may be supposed to present the most favourable period in regard to punishment. It amounts to 3314 cases, being about one in four of the whole negro population; and that, in the short space of about nine months. If the aggregate of the past year exceeded this proportion, it may be presumed, that very few apprentices in the whole island can have escaped punishment. This, however, is now to be considered a satisfactory progress.

NEVIS.

The printed returns of punishment in this Colony (Parl. pap., p. iii. (2) p. 432) as in St. Christophers, extend only from the 1st September, 1835, to 31st May, 1836, and allow of no comparison between the aggregate of the two first years of the apprenticeship.

VIRGIN ISLANDS.

The official returns of punishments of this small Colony (Parl. pap., p. iii. (2) pp. 347—352) not only suppose a comparatively lenient administration there; but show an actual decrease during the first eight months of the second year of the apprenticeship.

DOMINICA.

The official returns of punishments in this Colony are too incomplete to allow of a comparison between the aggregates of different periods.

* Vide Appendix to Report on Negro Apprenticeship, p. 231.

It may, however, be remarked, that on one estate in this colony, on which there are *only fifty-seven* apprentices, no less *than sixty-three punishments were inflicted in one month.** Governor Darling, in endeavouring to account for this enormous amount of punishment, attributes it to the bad conduct of the manager; thus it would appear, that in this case, (and it may be feared in a large proportion of the apprenticeship punishments throughout the colonies) the ill-conduct of a manager is visited by heavy inflictions of punishment on the wretched apprentices.

ST. VINCENT.

The official return of punishments in this Colony from the 1st August, 1834, to the 1st August, 1835. (Parl. pap. part iii. (2) p. 370.) amounts to 2764 cases.
Ditto for nine following months, (p. 386.) . . . . 3882.
Exhibiting a double amount of punishment over a coresponding period of the preceding year.

GRENADA.

The official return of punishments in this Colony from the 1st August, 1834, to the 31st of July, 1835, (Parl. pap. part iii. (2) p. 395.) amounts to 2166 cases.
Ditto for nine following months, beginning with September, (p. 397) 2696.
Exhibiting nearly double the amount of punishment over a corresponding period of the past year. An increase which is attempted to be explained by an alleged necessity of punishing in some instances whole gangs together

TOBAGO.

The official return of punishments in this Colony from the 1st August, 1834, to the 30th of June, 1835, a period of eleven months, (Parl. pap. part iii. (1) p. 413.) amounts to . . . . . 880 cases.
Ditto, but incomplete, from 1st August, 1835, to 31st May, 1836, a period of only ten months, (p. 432.) . . . . . 1533.
Shewing a double amount of punishment over a corresponding period of the preceding year.

BAHAMAS.

The official return of punishments in that Cololy from the 31st July, 1834, to the 1st October, 1835, (Parl. pap. part iii. (2) p. 530) amounts to 758 cases,
Ditto from 1st October, 1835, to 1st April, 1836, (p. 547.) . 922.
Shewing a decrease of punishment in the latter period.

HONDURAS.

The official return of punishments in this anomalous Colony is very incomplete; but inference may be drawn that they are on the decrease. The punishments, however, which are chiefly, as in other Colonies, for disobedience, appear to be very severe.

TRINIDAD, (A CROWN COLONY.)

The official returns of punishments in this Colony are too incomplete to allow of any accurate comparison between the aggregates of the first and second year of the apprenticeship.

ST. LUCIA, (A CROWN COLONY.)

The official returns of punishments in this Colony from the 1st of August, 1834, to the 31st July, 1835, (Parl. pap. part. iii. (2) p. 478.) amount to . . . . . 778 cases.
Ditto from 1st August, 1835, to 31st May, 1836, a period of only 10 months, (p. 497.) . . . . . 1103.
Exhibiting nearly a double amount of punishment in the second year.

CAPE OF GOOD HOPE, (A CROWN COLONY.)

The official returns of punishments in this Colony have been printed only for the first year of the apprenticeship. Some few specimens of apprenticeship offences, with their respective punishments, will be seen hereafter.

MAURITIUS, (A CROWN COLONY.)

The rebellious conduct of this Colony, naturally suggested the probability that its laws would exhibit the most flagrant violations of the Imperial Act; and that the practical operation of the apprenticeship system there, would be proportionably oppressive.

* See parliamentary papers, part iii. (2) p. 418.

In point of fact, the laws of this island have been so objectionable as for the most part to occasion their disallowance by the Home Government. But it would not be uninstructive, did space admit, to examine the various documents which have been published in the Parliamentary Papers on this subject, for the purpose of shewing how undisguisedly the selfish principles of colonial cultivators have been disclosed by the bolder or less politic planters of this Colony.

On the working of the apprenticeship system, and the amount of punishment in this Colony, a few extracts from the despatches of Sir William Nicolay, the Governor, may be quoted.

In a despatch, dated the 3rd July, 1835, Parl. pap. part iii. (2) p. 216.) he observes, that "the complaints preferred by apprentices against their masters, have been very few indeed: and the cases of insubordination and misconduct on the part of the apprentices, appear even *fewer* than was to have been expected, considering the notion entertained by many of them, that when slavery was declared to be extinct, they were not obliged to work any longer."

In a despatch, however, dated the 23rd April, 1836, Parl. pap. part iii. (2) p. 251.) referring to the official return of punishments, for the past year, (previously sent, but which in fact comprises only eleven months), he admits the largeness of that amount, and attempts to explain it, by stating, that it was in part owing to the incorrigible character of certain hardened offenders, who had been repeatedly punished.

The official return in question, p. 243, which extends from the last day of January, 1835, to the 1st of January, 1836,—amounts to 13,039 cases, of which 6769 were punishments by flogging, the apprentice population consisting of something more than 60,000 persons. From which it appears, that an aggregate of punishments, equal to more than a fourth of the whole apprentice population had been inflicted in that short period; and moreover, that above one half of those punishments had been by flogging.

The cause of this enormous amount of punishment, may perhaps be partly found in the general instructions issued by the governor to the special magistrates, at the commencement of the apprenticeship system; wherein, after affirming that idleness, drunkenness, and theft are the conspicuous defects of negro character, he inculcates on the special magistrates the necessity of "the most prompt and energetic repression of all disposition to idleness;" and emphatically recommends the practice of commuting imprisonment by *extra labour in the service of the employer* for the purpose, among other things, of *encouraging habits of industry.*

Yet frightful as the amount of punishment appears for the first eleven months of the apprenticeship in this colony, the return of the next succeeding month (namely) January, 1836), the only subsequent return yet printed, exhibits an increasing ratio. The return for that month, being 1382 cases, whereas the average monthly return of the preceding period was only 1185. And if the January return be taken as an average of the whole of the following year, an aggregate will be presented of 15,984 cases, being very nearly in the proportion of one in three of the entire apprentice population as stated in the last return.

The nature of the official return of punishment from the various colonies, subsequent to the periods above quoted, is not known; but assuredly, so far as the extracts already selected and published by the Colonial Office, furnish evidence on the subject; no satisfactory proof of a mitigation and softening of spirit on the part of the planters, as was assumed by the Parliamentary Committee, can be discovered. On the contrary, with the exception of two or three small colonies only, the official returns of punishment, which even during the first year of the apprenticeship, were thought "sufficiently frightful," exhibit, during the second year, an appalling increase. To what then can the public attribute the rumours of improvement, which of late have been so generally circulated, but to the anxious desire of interested parties to shield the apprenticeship system from an odium and a condemnation which properly belong to it.

In the meantime the preceding extracts sufficiently manifest what slight credence is to be given to the opinions and statements of Colonial functionaries on the lenient operation of the present system; contradicted as those statements and opinions have almost uniformly been during the first two years of the apprenticeship, by the official returns, they themselves have furnished.

SUMMARY OF PUNISHMENTS INFLICTED ON THE APPRENTICED LABOURERS IN THE BRITISH COLONIES;

Viz., In the first Five Colonies, mentioned below, from the 1st of August, 1834, to the 31st of May, 1836, a period of 22 months; and, in the other Colonies, for the terms respectively specified.—Compiled from Parliamentary Returns.

COLONIES.	TIME.	Number of Apprenticed Labourers	Number Punished. Males.	Number Punished. Females.*	Total.	By Flogging.	Average Number of Stripes.	Total Amount of Lashes.	Total Amount of other Punishmts.
Jamaica	22 months.	260,000	35,536	22,881	58,417	10,770	22½	242,325	47,647
Barbadoes	ditto	69,000	9,930	8,120	18,050	2,467	14½	35,701	15,583
British Guiana	ditto	72,000	7,691	8,539	16,230	2,668	20	53,360	13,562
Grenada	ditto	21,500	2,667	2,195	4,862	672	20	13,440	4,190
St. Lucia	ditto	10,500	1,114	767	1,881	747	19	14,193	1,134
		433,000	56,938	42,502	99,440	17,324		359,079	82,116
St. Kitt's	9 months.	13,500	1,536	1,778	3,314	358	14	5,022	2,956
Nevis	ditto	6,200	330	213	543	261	16½	4,306	282
St. Vincent	ditto	19,300	2,021	1,861	3,882	476	22	10,472	3,406
Cape of Good Hope	12 months.	—	814	326	1,140	—	—	—	—
Mauritius	ditto	45,000	10,946	3,425	14,371	7,304	18½	135,124	7,067
Montserrat	18 months.	5,000	904	602	1,506	346	19	6,574	1,160
Trinidad	ditto	16,800	1,948	1,563	3,511	1,087	18½	20,109	2,424
Honduras	ditto	1,650	35	100	135	33	27	891	102
Tortola	19 months.	4,200	461	287	688	250	12½	3,125	438
Dominica	20 months.	12,000	1,271	894	2,165	716	28½	20,406	1,449
Tobago	21 months.	9,800	1,511	952	2,463	636	12½	7,950	1,827
Bahamas	ditto	10,200	646	453	1,099	161	7	1,127	938
		152,650	22,363	12,454	34,817	11,628		215,096	22,049
Grand Total		585,650	79,301	54,956	134,257	28,952		574,175	104,165

* Females Punished.—In Jamaica and Barbadoes, the women as well as the men are sentenced to the Treadmill, are flogged with the Cat, and it is believed, that in several of the smaller Colonies the same practice is also followed. In Barbadoes, St. Kitt's, and Dominica, women have been sentenced to whipping.

† Other Punishments.—Such as Hard Labour—Penal Gang, and to be worked in Iron Collars and Chains—Extra Labour to Estates—Tread-mill—Stocks—Dark Cells—Imprisonment—Solitary Confinement—Imprisonment at night—Fines, &c. &c., and, in a multitude of cases, several of these various modes of punishment accumulated on the same individual for one offence.

Barbadoes.—Not less than nineteen whole gangs in one district in this Colony have been sentenced to extra labour at the same time! and some of the sentences

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of imprisonment extend to six months and thirty-nine lashes. In several smaller Colonies the same practice prevails.

British Guiana.—Many offences committed by apprenticed labourers of a petty character, instead of being adjudicated by special justices are sent before the inferior criminal court, where the almost invariable punishment ordered to be inflicted, is flogging. These do not appear in the foregoing table.

Grenada.—In this Colony, as well as in Barbadoes, whole gangs have been sentenced to extra labour.

St. Lucia.—The Pillory, in addition to other modes of punishment, is called into action in this Colony, and apprenticed labourers are sentenced to it for four, five, or six hours per diem, for several successive days.

Nevis.—During the first year of the apprenticeship, there were 107 men and 178 women punished, but the returns for that period are not given with sufficient accuracy to proportion the corporeal punishment; they are, therefore, left out of the above list.

St. Vincents.—In addition to the number of punishments inserted above, there were 1477 men and 1287 women punished during the first year of the apprenticeship, but as their punishments are not specified they cannot be given in the table.

Cape of Good Hope.—The returns from this Colony are so defective, that no further information can be given from them, than that the 1140 cases noticed received punishment by whipping, imprisonment, hard labour, stocks, &c

Montserrat.—There are no returns of the amount of punishment inflicted in this Colony for the months of August, September, October, and December, 1835.

Trinidad.—It appears that the records of punishment affecting four judicial districts, comprising a population of 8510 apprenticed labourers, are lost; in the returns for the three months which are given, eighty-five negroes were punished with the lash, and 102 negroes in other ways.

Dominica.—For ten months of the above period returns of punishments were made from two special justices only, although they were during the other months usually made by six; it follows, therefore, that the amount of punishments inserted in the above table for this Colony is very much below that which was inflicted.

Tobago.—During two months of the above period, the fourth special justice made no return.

N.B.—No return of lashes inflicted on the treadmill is included in this statement.

Comparison of Punishments on Employers and Apprentices.

The returns of fines inflicted on owners and managers, are extremely incomplete; in fact, from the commencement of the apprenticeship system up to the present time, the only complete returns laid before Parliament on this subject, are for the first five months of 1836—and these from Jamaica only—but scanty as they are, they will serve to substantiate the complaints made of the utter want of reciprocity in the punishments inflicted on the apprentice and on the employer under the apprenticeship law. The following is,

"*An Abstract of the fines inflicted on the owners or managers of estates in Jamaica for the first five months of* 1836."[2] *The fines are reckoned in currency, being three-fifths of the sum sterling; they go entirely into the Public Treasury.*

Complaints.	Number Fined.	Amount of Fines.
Illegal imprisonment in dark cells, from twenty-four hours to six days	36	10s. to 20s.
Assaults combined with false imprisonment, beating, switching, maliciously killing stock, &c.	111	£1 to £5
Withholding allowances, neglect in sickness, non-performance of contract, not allowing days, clothing, and grounds. Working illegal hours. Cruelty and oppression, &c.†	26	£1 to £5.
		Total amount of fines, currency £400 19 4 Or less than £250 sterling.

[2] Vide Parliamentary Papers, sess. 1836, No. 165—II. p.

† Parliamentary Papers, sess. 1836, No. 111—II. pp. 250, 258, 340, 373, 395.

Want of room prevents our giving a statement in detail of the above complaints and fines, but by way of specimen we subjoin the few extracts following, viz., Punishments, on Overseers, &c.

1836.		Currency. £.	s.	d.
January	15. For beating an apprentice who had neglected his work ..	1	0	0
	The aggrieved apprentice was at the same time sentenced to a *switching* and to a *week* on the tread-mill			
	18. Inattention to a female in a hot-house (particulars not stated, but doubtless extraordinary.)	5	0	0
	21. Shooting apprentice's hog, and appropriating the body ..	1	0	0
	The fine was in this instance paid to the apprentice, this, however, must have been with the consent of the offender.			
	23. Imprisoning a female beyond twenty-four hours, and afterwards confining her in a cell; period not mentioned ..	2	10	0
	29. Administering physic with violence.....	2	0	0
February	1. Illegally confining a female in a house of correction	1	0	0
	The *discipline* of these places is well known.			
	10. Locking up a married woman without cause, period not mentioned	2	0	0
	19. Refusing to send assistance to a woman in child-birth ..	2	0	0
	A charge of imprisonment was made at the same time, but not established.			
	22. Continually working *gang* after four o'clock	0	10	0
	24. Switching an apprentice, by a master, without the magistrate's sanction	2	0	0
	Is the magistrate's sanction ever given in such cases?			
March	3. Not giving proper allowance	2 dollars		
	—. Imposing *task-work*, the complainants (two women who were compelled to labour from Thursday morning to ten A. M. on Saturday, through the day and night, carrying trash while the mill was about	3	0	0
	If *task-work* had not been inflicted or *cruelty* proved this extension of labour would not have been punishable at all.			
	—. Beating a female, and not giving her *clothing*, *house*, or *grounds*, &c.	5	0	0
	24. Switching an apprentice	0	10	0
	29. Neglecting an apprentice when locked up	1	0	0
April	1. Not providing medical aid.....	0	10	0
	6. Working gang beyond time	0	10	0
	42. Neglect during sickness	2	2	8½
	(Probably the doctor's bill)			
	13. Destruction of property, (value not stated)	2	0	0
	16. Beating with a stick	0	10	0
May	10. Refusal to allow days, and false imprisonment, (period not stated).....	1	10	0
	11. Refusal to pay a *week's* wages for extra labour, the apprentice a female, being charged with *insolence* and *absence*	0	10	0
	The woman was at the same time sentenced to *six days'* hard labour, whether under the *discipline* of the tread-mill, or for the benefit of the master, is not stated ! ! !			

Any comments on such trivial punishments, for gross violations of the Imperial Act, appear to be needless. But it must be added, that the remaining hope of the aggrieved parties obtaining compensation, by an appeal to the Supreme Courts of Jamaica, has proved to be utterly futile. Even the application of a special justice to the Supreme Courts on their behalf, as will be afterwards seen, has been deemed in that Colony, to be a "nuisance."

We will now compare the offences of owners and managers, and their slight punishments,—with the offences and punishments of the apprentices.

For this purpose it would have been more satisfactory had we been able to furnish a list from each Colony:—but the returns printed in the Parliamentary Papers in general, give only the total amount or the average of punishments, omitting the specific offences for which they have been inflicted; fortunately, however, for the purpose of illustration, the returns from the Cape of Good Hope and Honduras are exceptions to the general practice, and they furnish us with some specific statements, as to these particulars.—From these returns, we are consequently enabled to make a few selections, which may be presumed to exhibit a fair specimen of apprenticeship offences and punishments throughout the Colonies. They are as follows:

Cape of Good Hope.

Vide Parliamentary Papers, Sess. 1836, *No.* 166—II, *pp.* 549, 553.

For Insolence	Men	10 to 30 lashes, occasionally with the stocks.
	Women	7 to 30 days imprisonment, and occasionally the stocks.
Drunkenness	Men	6 days confinement—One month's hard labour, 10 to 30 lashes, and stocks.
	Women	7 to 30 days impri-onment.
Disobedience	Men	15 to 30 lashes—One month's hard labour and 30 lashes.
	Women	7 to 30 days imprisonment.
Negligence	Men	10 to 30 lashes—One month's imprisonment with hard labour and 30 lashes.
	Women	7 to 30 days imprisonment.
Making unfounded complaints .	Men	10 to 30 lashes—7 to 30 days confinement with hard labour and 25 to 30 lashes.
	Women	7 to 30 days imprisonment and stocks.
Connivance at waste of Property .	Men	15 lashes.
Losing property		1 month's imprisonment and hard labour, and 30 lashes.
Endangering property		15 lashes.
Filthiness in cooking		3 days confinement.
Feigning sickness and exciting disobedience		25 days imprisonment with hard labour, and 25 lashes.

Honduras.

Parliamentary Papers, Sess. 1836, *No.* 166—II, *pp.* 497, 499.

Drunkenness	Men	1 week's imprisonment, 15 stripes.
	Women	7 days imprisonment on plantains and water. One week's imprisonment and stocks.
Disobedience	Men	14 days to 1 month's imprisonment and stocks—Or one week's imprisonment and 15 to 30 stripes, and fed on plantains and water.
	Women	3 days to 1 month's imprisonment, bread and water. One month's solitary confinement and 12 times in the stocks, 2 hours each time.
Contumacious ditto	Men	One month's imprisonment and twice 24 stripes.
	Women	One month's imprisonment and six times six hours in the stocks.

Insubordination	Men	Two months imprisonment and 24 stripes.
Vagabondism		Three weeks imprisonment and 15 stripes.

The proportion which offences of these kinds bear to the aggregate of offences punished, will be inferred from the abstract of returns in Jamaica, from which it will be seen, that during the first year of the apprenticeship in that colony, there were no fewer than 2,552 punishments inflicted for complaints of insolence—6,024 for disobedience, and 11,855 punishments for neglect of duty. And, great as these numbers are, and enormous as is the total amount of punishments shewn in the general table on a preceding page, it must be borne in mind, that the apprentice is still amenable to the general law of the Colony, for any offence of a graver character; a responsibility which, in the case of apprentices, the supreme courts have shewn no indisposition to enforce.

The penalties inflicted on employers, under the Slave system, will be seen by the following extract from the Analysis of the Jamaica Acts. *Vide Appendix to Report of the Parliamentary Committee on Negro Apprenticeship*, as follows: A comparison of the provisions of this clause, with the *Slave Code*, will show the inferiority of the present law, in respect to penalties and securities. The Slave Code, sec. 12, awarded a *certain* penalty of £5, for *neglect* of clothing; sec. 13, compelled the master to make oath once a year, that he had supplied sufficient clothing, provision grounds, and time, or ample provision in lieu thereof, under a penalty of £20, for refusing the oath, or neglecting the *duty*; sec. 14, 15, gave a summary remedy, to the extent of £25, for abstraction, by the master, of the slave property; sec. 30, inflicted a fine of £100, or twelve months' imprisonment, for cruelly *whipping, imprisoning*, or *maltreating* a slave, in addition to damages at law; and in atrocious cases, the slave was to be liberated, and £10 per annum for life allowed him by the parish; and sec. 31, 33, enacted that prosecutions and actions, in such cases, should be at the expense of the parish; and, in the mean time, the slave was to be removed from the custody of the master."

"If such punishments as these, when the master had a more permanent interest in the services of the country, proved insufficient," the Committee observes, "it cannot be imagined, that the slight and uncertain penalties ordinarily inflicted under the apprenticeship laws, will be of much avail."

Prison Discipline.

The evidence from Jamaica on this subject is very important. By an Act passed in that Colony immediately before the coming into operation of the Abolition Act, and made commensurate with the apprenticeship system, the uncontrolled and exclusive jurisdiction of gaols, houses of correction, hospitals, and asylums is vested in the *local* magistrates, who not only possess a specific power of inflicting *personal correction* on the inmates of these places, but likewise depute or connive at the exercise of the same power by superiors and other officials, under pretext of breach of prison discipline, and as a stimulus to prison labour. By the 22nd section of the second Jamaica Abolition Act, again, a power is given to the special magistrate to commit an apprentice, for any apprenticeship offence whatever, to the house of correction.

It is a singular fact, connected with this part of the apprenticeship law, and with the different appropriation of these places of confinement, "that the 19th section of the Act regulating gaols and workhouses, gives a summary power of punishing or removing a *gaoler* who shall have been convicted of improper conduct; but does not extend it to *keepers* of workhouses. Now, in the former—the gaol—no prisoners are ever confined, except by sentence of a superior court: while, to the other—the workhouse—all apprentices, or persons suspected of being so, are sent either for detention or punishment. Thus, it appears, that in the latter case, where alone there is reference to apprenticeship, no provision is made to punish cruelty and oppression, except through the intervention of an expensive process," which experience has shewn, after all, to be utterly unavailing. It will not be matter of surprise, that virtually irresponsible power thus intrusted to the lowest menials should have been greatly abused.

These places have, in fact, been clearly proved to be dens of pollution, outrage, and cruelty. It appears from the evidence of Mr. Russell, confidential clerk to Lord Sligo, (vide question 5208,) that so far back as the year 1836, the enormities practised in many of these houses of correction had been officially reported to the Governor, who was, nevertheless, wholly precluded from interfering by the exclusive authority reserved, as already stated, to the local magistracy.

It appears, moreover, that the official Act of seeking legal redress for these enormities was construed to be, and was actually presented by one of the grand juries of Jamaica (whose presentment was afterwards approved by the supreme court,) as a public *nuisance*. (Vide Parl. pap., part iv. p. 136.)

And it further appears, that the most urgent appeals of the Governor to the House of Assembly, for the purpose of procuring the amendment of a law which connives at, and tolerates these shameful proceedings has altogether failed of effect. (Vide Parliamentary Papers in explanation, &c. p. 31.)

For the details of these outrages, reference must be again made to the Report on Negro Apprenticeship. (Vide Jenkin's case in question 3544, *et seq.* and to the Parliamentary Papers, vide *interalia* part iv. p. 123, *et seq.*)

It may be stated, however, as a specimen of the abominations practised in the workhouse of St. John's, discovered by Mr. E. D. Baynes, the special justice, that the prisoners in that case were half *starved* by the supervisor; and that excessive cruelties took place in *chaining* sick people; it was sworn, moreover, that a poor apprentice was actually *flogged on an open ulcerated sore* in order to make his sufferings greater. The bills in these cases, nevertheless, were thrown out by the Jamaica Grand Jury!!

The *atrocious and degrading treatment of females* in houses of correction will be considered under a subsequent division.

But this note cannot conclude without more particular reference to the great instrument of torture in these places of confinement—namely, the tread-mill—a horrible machine which is unsparingly applied to both sexes; and, in many cases, without the slightest regard to age, sickness, or infirmity. The following is a description of an instrument of this kind, as given by an eye-witness.

"The tread-mill, also, is a machine of dreadful construction. It is so great a height from the ground, that the prisoners ascend a rude ladder to a sort of platform, from which they step on the mill. They are then strapped to the beam above the mill, and the platform is removed. If they are unable to keep the step, they hang by the wrists, and are liable to sustain the most serious injuries from the mill revolving against their breasts and legs. There was no machinery to regulate its speed.

* * * *

"The tread-mill at this workhouse is a cylinder about eight feet in diameter, with broad steps. The handrail above it has eight pair of straps fastened to it, with which the wrists of the prisoners are always secured. The board under the rail descends perpendicularly, and not in a sloping direction, towards the mill, and does not, therefore, afford them the slightest protection when they lose the step, and hang by the wrists. In that case, the sharp steps of the mill, which project twelve or fifteen inches from the cylinder, must revolve against the bodies and legs of the prisoners with torturing effect. Such are the faults in the construction of the mill, and the results are such as may have been anticipated. Every step is stained with blood, both recent and old; the former being that of the poor old woman whom the deputy mentioned to us. It had been shed so profusely, that even the sand on the floor was thickly sprinkled with it.

* * * *

"Two mixed gangs of men and women were put upon it during our stay; the latter had no suitable dress, and were, therefore, liable to be indecently exposed. The lever, by which the speed of the wheel is regulated, was held the whole time by the driver, who sometimes relaxed his hold for a few seconds, which made it revolve with such rapidity, as to throw all the prisoners off. It is thus evident, that the punishment may be increased beyond endurance at his caprice. Nearly all the prisoners were dreadfully exhausted at the end of fifteen minutes."*

* The West Indies in 1837; Journal of a Visit, &c. by Joseph Sturge and Thomas Harvey. Published by Hamilton and Co., Paternoster Row.

APPENDIX K.

Unnecessary restraints, and imprisonment for safe custody.

Any confirmation of the opinion already expressed respecting the mischievous character of this portion of apprenticeship law, might seem to be superfluous. Yet with a view to the satisfaction of certain minds, accustomed in all cases to require Official authority and positive proof, it may be proper to quote the testimony of each succeeding Colonial Secretary, to the injustice of the regulations now complained of, and to add a few official extracts exhibiting the practical mischiefs in question. It would, indeed, be very difficult to over-estimate these mischiefs, which strike directly at the root of the Imperial enactment, and tend to frustrate its express and peculiar object—which are, moreover, not only injurious to the plainest principles of sound policy, but repugnant to the primary and inalienable rights of human society.

It may be remarked, that the apprenticeship is founded on a distrust of the principle of free labour as applied to the case of emancipated slaves. It supposes some peculiarity in their case, justifying a departure from ordinary rules. Hence it provides a mixed economy of labour, partly compulsory, and partly free. Of the possibility of compelling labour there was no question, the experiment was to be made of the use to which the negro would voluntarily apply his own time. Every fair inducement, therefore, to the proper employment of this time became in the highest degree important; and every unnecessary discouragement upon, or infringement of the profitable use of this time, was to be considered as a deliberate attempt to frustrate the only purpose for which this anomalous and repulsive system, could pretend to be justifiable. The charge now made against Colonial Regulations and Practices, under this head, is, that such attempts have been commonly made, and that the particular infringements now complained of, are part of a general system of encroachment upon the time and labour of the apprentices, in direct violation of the spirit and intention of the apprenticeship scheme.

In the observations previously offered on the subjects of "Labour" and "Provision Grounds" the indirect operation of this mischievous principle of encroachment, has been already noticed. In the article on "Punishments," the same principle has been shown to lurk beneath the substitution of penal labour for corporal inflictions; and in connexion with that subject, it might have been further exposed, in the unfair selection of the apprentices' own day, for the trial of apprenticeship offences. But the principle appears in its most undisguised form in those unnecessary restraints upon locomotion, which form the subject of the present note; and which, besides the injury they inflict upon domestic rights and obligations, as already stated, evidently place the extra time of the apprentices, specially reserved to him by the Imperial enactment for the experiment of free labour, at the employer's absolute disposal.

The practical effect of this arbitrary power upon wages, has been to a great extent, to close the market for free labour; and to compel the industrious apprentice, on each estate, to accept his employer's own price, or in the language of some of the planters, "as much as the estate can afford." The average amount of wages thus bestowed, appears to be about one-half of the current value of free labour. On the supposition, however, that no extra labour is required upon the estate to which the apprentice belongs, the restraint operates as a prohibition to extra labour altogether.

Can any thing be conceived more calculated to disassociate in the negro's mind, the kindred ideas of voluntary labour and adequate remuneration; or to disincline him, both now and hereafter, from voluntary labour in the service of his present employer? Yet the partial adoption of this restricted method of wages in the Colonies, though really involving in itself the utmost injustice and fraud, has been singularly relied upon by official authorities both abroad and at home, as proof of the successful working of the present system. It undoubtedly proves, and that conclusively (as admitted in the Parliamentary Report) the general readiness of the negroes, even under the greatest disadvantages, to labour industriously on a

voluntary principle, but it reflects, at the same time, the greatest discredit on the authors of these arbitrary regulations, which, if they have failed to defeat altogether the object of the abolition law, have nevertheless contrived to deprive the negroes of a very large portion of the benefit of their extra labours.

The following extracts from Official Despatches will exhibit the sentiments of successive Colonial Secretaries on the various modes of restraint and injustice above considered.

Extract of a Despatch from Mr. Secretary (now Lord) Stanley to Sir G. F. Hill, Governor of Trinidad, dated 24th May, 1834.—*Vide Parl. Papers, Sess.* 1835, *No.* 278—II, *pp.* 192, 194.

"It is to be remembered, however, that in many societies of Christians, dissenting from the Church of England, it is required by the established discipline or practice, that their members should meet together for devotional exercises on the week-days. To interdict such observances to those who might wish to follow them, would, I think, be at variance with the policy and principles by which Parliament was guided in passing the Slavery Abolition Act.

"The Council, moreover, propose to permit the apprenticed labourer to exercise the right of attending markets on Saturdays only. So far from approving this additional restriction, I have, upon more mature consideration, arrived at the conviction, that the provision, even as originally framed, requires to be modified so as to afford the prædial apprenticed labourer a greater degree of liberty during those hours which are not to be devoted to his employer, and with this view I have proposed a considerable alteration in clause 4, chapter 7."

The original provision above referred to, forms part of the Draft Order in Council sent out as a model to the Colonies, and which even previously to this alteration was much more liberal in its character than many of the existing Colonial regulations.

Extract of a Despatch from Mr. Secretary Spring Rice to the Governor of the Bahamas, dated 19th July, 1834.—*Vide Parl. Papers, Sess.* 1835, *No.* 278—II, *pp.* 253—259.

"The restrictions imposed on the apprenticed labourer by the 52nd section, appear to me to be objectionable in principle, and at variance both with the letter and the spirit of the Act of Parliament. To prevent the apprenticed labourer from quitting the limits of the plantation to which he is attached, without the leave of his employer, would preclude the labourer from hiring out his leisure time to any one but his employer, not only is a species of monopoly of the labourer's voluntary services thus given to the employer, but the liberty of the labourer is still further infringed upon, and an additional impediment to the free exercise of his industry is created by the arbitrary regulations contained in this section, under which he is prevented from cultivating or even dealing in a great variety of articles.

"I am disposed to believe, that these provisions would go far to prevent the acquisition, by the negro, of those habits of voluntary industry which it was conceived by those who framed the system of apprenticeship would be gradually but certainly introduced, and upon the attainment of which, the future prosperity of the Colony entirely depends."

Extract of a Despatch from Mr. Secretary Spring Rice to Sir Lionel Smith, dated 21st August, 1834.—*Vide Parl. Papers, Sess.* 1835, *No.* 178—II, *p.* 170.

"The 78th clause of the Act, which is adopted in pursuance of the 4th section of chapter 7 of the Model Draft, restricts within narrower limits than were originally contemplated, the right of the labourer to leave the estate to which he may be attached. So far from approving of this additional restriction, His Majesty's Government, upon more mature consideration, arrived at the conviction, that the provision, even as originally framed, requires to be modified, so as to afford the prædial apprenticed labourer a greater degree of liberty during those hours which are not to be devoted to his employers. I recommend, therefore, that in the place of section 78 of the Act, the following clause should be sub-

stituted; (namely), Every labourer found in any place more than five miles distant from his residence, except in his way to or from some place of public worship, and not having with him a written pass for that purpose from his employer, or from the special justice of the district, shall be liable to be apprehended, and brought before a special justice; and unless such labourer shall make it appear, to the satisfaction of such special justice, that he or she, when so found, was employed on his or her lawful occasions, such labourer shall be adjudged a vagabond, and punished accordingly.

* * * *

"The 63rd section forbids the resort of apprenticed labourers desiring to prefer complaints to any person except the special justice of the district. This exception should be made to extend to the Governor, as it is possible they may wish to complain to that functionary against the decision of the special justice, or to represent to him grievances not falling under the cognizance of a special justice.

"The 65th section of the Act authorizes the employer, at his own discretion, to imprison on the plantation, for 24 hours, any labourer guilty or suspected of being guilty of any offence against the Act, or the general law of the Island.

"Although I am well aware of the essential importance of preserving good order on the plantations, yet I cannot approve of this section in its present shape; for, notwithstanding the improvement here contemplated is, doubtless, intended as a precautionary, and not as a penal measure, yet it would almost inevitably assume, in practice, the latter character, and would thus lead to a direct contravention of the British Act, which declares any Colonial Act void in so far as it may authorize any employer to punish any apprenticed labourer for any offence by him or her committed or alleged to have been committed, by any personal or other correction whatever."

Extract of a Despatch from the Earl of Aberdeen to Sir Lionel Smith, dated 30th March, 1835.—(Vide Parl. Pap. Sess. 1835, No. 278—II. p. 34.)

"I cannot for a moment doubt, that it was contemplated to preserve, during the apprenticeship, the conjugal, filial, and parental relations from any disruption, in so far as that object could be obtained by legal enactments."

Extract of a Despatch from the Earl of Aberdeen to Sir Lionel Smith, dated 1st April, 1836.—(Vide Parl. Pap. Sess. 1835, 278—II. p. 162.)

"The rules which forbid the apprenticed labourer to reside beyond the limits of the plantation, except by his employer's consent, or to quit it, even during his own leisure, except with a written pass from the employer, must prevent all free competition for wages, and must enable every planter to make his own terms with the labourers upon his estate for extra service. This, however, is opposed to the spirit of the Act of Parliament. It is necessary that power should be given to the special magistrate, as well as to the employer, to license the residence of the labourer beyond the limits of the plantation. The law must also be amended in such a manner, as to leave the labourer at liberty to resort, during his own leisure, to any place in which he can obtain honest and profitable occupation; provided that it is not of such a nature or extent as to interfere with the performance of his prescribed duty on the estate to which he may belong.

It is an object of great importance, that the whole Colonial society should henceforth live under the same penal code, and that the growth of all invidious distinctions of this nature, should be checked at the first appearance."

Extract of a Despatch from the Earl of Aberdeen to Sir R. D. Hill, Governor of St. Lucia, dated 8th April, 1835.—(Vide Parl. Papers, Sess. 1835, No. 278—II. p. 227.

"No restraint should be placed on the apprentice proceeding to any place of public worship, or to the public market, or to his own place of abode, when beyond the limits of the estate, or to any neighbouring place where he may have engaged himself to labour for hire, it being carefully provided, that none of these

causes of absence should be available as a reason for the neglect of his appropriate duties, during the forty-five hours of weekly labour which are due by law to the employer."

Extract of a Despatch from Lord Glenelg to the Governor of Mauritius, dated 31st May, 1835.—(Vide Parl. Papers, Sess. 1835, part ii. No. 278—I. p. 214.

"The ordinance, (No. 3,) for amending the laws relative to runaway slaves, is disallowed by His Majesty for the same reason. Independently of the motive which thus forbids the confirmation of this law, I would remark, that it is objectionable because it enables the employer to confine the prædial apprenticed labourer to the plantation throughout the whole of every day: and would thus render it impossible for the apprentice to hire out his services during his own leisure, to any person who might be disposed to pay the highest wages for them. It is at variance with the spirit of the Slavery Abolition Act, and of the subsidiary Order in Council, thus to secure to the employer a monopoly of the extra services of his apprentice."

Extract of a Despatch from Lord Glenelg to Sir Lionel Smith, dated 10th June, 1835.—(Vide Parl. Papers, Sess. 1835, No. 278—I.)

"The Act of Parliament plainly proceeds upon the principle, that in return for the forty-five hours of weekly labour, the labourer is to receive adequate maintenance, and that all the remaining hours of the week are to be at his own absolute disposal, for industrious exertion, or for repose, as his inclination may dictate.

"It is not necessary for me, on the present occasion, to vindicate or to inquire into the propriety of the rule to which I have thus referred. It is enough, that I find it plainly laid down in the British statute. It is not a matter of choice, but of necessity, to call upon the legislature of Barbadoes to fulfil the condition upon which their participation in the compensation fund has been declared by Parliament to depend.

Extract of a Despatch from Lord Glenelg to the Marquis of Sligo, dated 13th June, 1835.—(Vide Parl. Papers, Sess. 1835, part ii. No. 278—I. p. 16.)

"Further, the apprentice has a strict legal right to receive into his Hut, such inmates or visitors as he may think proper, provided that nothing be done to endanger the public peace, or the good order of his own or any other plantation. He must be considered as a tenant paying rent for his occupation in the form of manual labour.

Extract of a Despatch from Lord Glenelg to Sir Evan M'Gregor, dated 23th July, 1835.—(Vide Parl. Pap. Sess. 1835, No. 278—II. p. 134.)

"The apprentice is the tenant at will of the Hut he occupies, paying rent in the form of services, and entitled to admit into his home whatever person he shall think proper, provided that his guests or inmates do not infringe the police regulations of the colony, or the good discipline of the plantation. To debar husbands and wives of each other's society, or even, in the present state of West Indian manners, to forbid an apprenticed labourer to receive his concubine under his roof, is an invasion of the rights of the apprentice, for which no compensation could be found in any consequent increase of good order or of good morals."

Extract of a Despatch from Lord Glenelg to the Governor of the Virgin Islands, dated 23th July, 1835.—(Vide Parl. Papers, part ii. continued, p. 134.)

"The 15th section of the same act, forbids the apprentice to quit the district in which he lives, without a written pass from his employer. Unless the special justice be entitled to grant this indulgence, the effect will be, to give to the employer a monopoly of the leisure time and extra labour of their apprentices. This is entirely at variance with the spirit of the Act of Parliament, and terms of the Order in Council."

Extract of a Despatch from Lord Glenelg to Sir William Nicolay, Governor of Mauritius, dated 27th March, 1838. (Vide Parl. Papers, Sess. 1836. No. 166—II. page 217.)

"But whether laws of this nature shall be suspended, or shall take effect immediately on their promulgation, there is one general principle to which His Majesty expects and requires, that on every such occasion the most explicit and studious deference be shown. That principle is, that the apprenticed labourers be not subject to any penalty, restriction, or prohibitory rule of any nature whatsoever, to which all the other members of society are not made equally liable, except only so far as a special Code may be indispensable to secure the punctual performance of the duties which Parliament has required the apprentices to render to their employers. No enactment affecting the apprenticed labourers exclusively, must be assented to by you, unless it shall first be clearly established, that it falls within the reach of that exception. In every other respect, the great principle of legal equality of all classes of the King's subjects in Mauritius, must be stedfastly borne in mind, and firmly enforced."

The following extracts and references may serve to illustrate the practical mischiefs arising out of this portion of apprenticeship law.

The fact of a monopoly of labour existing in Jamaica, and originating partly in restraints put upon the apprentices own time, and partly in a general understanding among the employers, for the same purpose, is thus stated by Mr. Beaumont in his examination before the Parliamentary Committee, *(Vide Report on Negro Apprenticeship, quest. 4,374 et seq.)* Being asked whether there are not means of communication among the negroes, and through the community generally, sufficient to enable the negroes to know pretty well what the value of labour in the market would be at any particular time—he replies,

"No, for this reason, that there is no competition of labour; the question is put as if labour was a commodity in the market, and the negroes might communicate with one another to know the value of that commodity; but this is not the case; the negro must either sell his time to the manager or proprietor of the estate, or not to any one else; there is a monopoly on the part of the proprietor, for if the negroes cannot work for him, they can work for no one else in the extra time; and the manager, by fixing the manner in which the time or labour given the proprietors by the Act shall be spread over the week, can compel the negro to sell the extra time for any sum the proprietor pleases; were the negro even able to offer the extra labour or extra time of any day to any one but the proprietor of the estate where he lives, the whole of that extra time would be spent in going from the estate where he is domiciled, to that on which he is to work. The proprietor has in fact, a monopoly of the extra time, and that is one reason why the managers prefer to work out the time they can enforce, by making the working day eight instead of nine hours."

On being further asked, do you mean to say that no negro does ever work for any one except his own master?—He answers,

"In the negro's own spare time, I do not know any instance to the contrary; the custom of the country is decidedly against it. If any proprietor of an estate were to hire the negroes of another estate, contrary to the will of the proprietor of that other estate, he would be looked upon as an enemy of the country; it is not respectable to do so. In point of fact, such a state of things could not exist, because it is contrary to the feelings of the managers, who represent what is called colonial public opinion."

And again being asked, "are not you aware that the practice has subsisted since the apprenticeship came into operation, and that the apprentices upon one estate, if they have not been able to make an arrangement with their owner, have in fact engaged their services for hire to the owners of other estates?" he says, "I heard of it in one or two instances, just before I left the country, and I heard the persons extremely ill spoken of for doing it. This could be done only where estates were uncommonly contiguous, and could not be a general rule."

The effect of this monopoly is further shown in the Report of Special Justice E. D. Baynes (vide Parl. Papers, part iv. (1) p. 314), who remarks respecting his own district as follows:—

"The working for wages is not very prevalent; where it does exist, the

apprentices do not usually receive from their master more than 1s. 8d. per diem, though the jobbing employer is paid at the rate of 3s. 4d. for each able hand. This diversity of remuneration between the master and the apprentice for the same quantity and quality of labour is a sufficient explanation of the reluctance often visible in the negro to work for wages in his own time. He is clear-sighted enough to perceive that his labour only earns for himself half the amount that it brings to his master; and he knows this to be neither just nor reasonable."

This statement is also confirmed by the evidence of Mr. C. Brown, (vide Report on Negro Apprenticeship, questions 5711, 5712; and by Mr. Beaumont in question 4375, who states, that the amount (namely, a penny or a penny half-penny an hour) "is, in fact, so small as to be a fraud." On the same subject Special Justice Ricketts reports as follows, (vide Parl. Papers, part iv. (1) p. 315.)

"Small as the remuneration may appear, I have always used my best endeavours to persuade the apprentices to work for money, considering it the only manner in which a proportion of the circulating medium can be retained by this class of the community, as, from the general desire to buy out the remaining term of their apprenticeships, the small share they formerly held must be rapidly diminishing. The rewards for extra labour (from inadequate allowances) are generally consumed in purchasing the necessaries of life, and do not tend to make up the deficiency occasioned by parting with the savings of years; extra labour will, therefore, only enable them to keep what they have already saved, but scarcely to increase it." "The apprentices feel this manifest injustice, and are not inclined to respect or place confidence in the authors of it."

Among the various causes of dissatisfaction operating upon apprentices, as specified by Special Justice Baynes, in his report above alluded to, imprisonment on the estates, under pretext of safe custody, is particularly mentioned as follows:—

"The manner in which the manager exercises the power of detaining an alleged offender in confinement for the space of twenty-four hours. The detention for that period is only, as in England, intended to afford time to bring the accused before a magistrate for examination, not as a mode of punishment, which the law has altogether removed from the hands of the master. Now, as it rarely happens in Jamaica that an apprentice prisoner is brought before a special justice within twenty-four hours, the lawful application of this clause, which is so often acted on, is extremely limited; its abuse is general."

On the same subject, the report of Special Justice Lyon is peculiarly striking. (Vide Parl. pap., part v. (1) p. 300.)

"On all my first visits to properties, without an exception, I heard from the overseers the most flattering statements of the general good conduct, industry, and contentedness of the apprentices, and was in many instances most triumphantly referred to the record of offences tried before the special magistrates on the estates, as proof of the paucity, and in some instances, total absence of offences for a very considerable length of time. The experience I had had in another parish, and the observations I had painfully made during a period of three years of anxious watchfulness of the degrading influence of slavery upon all classes, made me receive these florid accounts of a peasantry labouring without remuneration, with much caution and suspicion, though I need not say how much I should have been delighted could I have believed and found them true. A very short time would have sufficed, had I been sanguine enough to have indulged in the belief of that comparatively happy and judiciously amalgamated state of society, which only time, aided by the equal administration of beneficent laws, and the spread of religion and morality can induce, to have dispelled the illusion. I learned full soon the reason why the special magistrate's interposition was so little needed by the managers, and why his aid was so rarely invoked by the apprentices. The estate's cells were the universal panacea for the adult, and promegranite switches for the juvenile; an unlimited appliance of which, had produced that sullen quietude which had been so vauntingly described to me as the tranquil cheerfulness of contented labour. The unlimited exercise of this tremendous power (confinement in the estate's dungeon for twenty-four hours) for any offence or alleged offence, had rendered frequent appeals on the part of the managers to the special justice unnecessary; and as the people were aware this injustice was perpetrated, unprohibited by the special justices, they were not so insane as to make fruitless com-

plaints to them. I have laboured by conciliatory means to restore the labouring population, to a condition more nearly resembling freedom. I adopted this course with the managers in preference to a coercive one, as the greatest share of blame was more justly attributable to the administrators of the law, who had permitted the existence of so oppressive a system."

In the above mentioned report of Mr. Baynes, the injury done to conjugal rights is one of the items of dissatisfaction thus adverted to, as follows:—

"The difficulty too often thrown in the way of apprentices who cohabit together as man and wife, an evil unavoidable in the present backward state of negro civilization, living with, or visiting each other, when accidently attached to different properties."

In paragraph 9 of the same report, the injustice done to apprentices in appropriating their leisure day to the trial of apprenticeship offences, is thus described:

"The practice of bringing apprentices accused of offences under the Abolition Act before the special magistrates on a Saturday, in their own time, and still more, the enforcing the attendance of witnesses on that day, by which they are prevented from employing it in the necessary cultivation of their grounds, is also a source of complaint, as it not unfrequently happens, that the apprentice is not convicted of the alleged offence; it even turns out often, that the charge is vexatious. Thus we have here several innocent persons harassed by a long journey, and injured by the loss of a day, of which they are deprived with impunity, at the caprice of an overseer, who would not fail to bring them to trial for encroaching only five minutes on their master's time."

To which the same special justice adds another crying abuse, namely, "the illegal commitment of apprentices to the Houses of Correction by the local magistrates," a practice (he says) prevalent throughout the island, though a manifest violation of the first principles of the Abolition Law.

In connexion with this subject, may be mentioned the additional restraints and injustice to which the negroes are subjected under Trespass and Police laws. The cruel purposes to which such laws, in furtherance of apprenticeship restrictions are applied, will be inferred from the following extract from a report of Mr. Special Justice Lyon, (vide Parl. Pap. part iv. (1) p. 212,) where in proof of the injuries they are made to inflict on personal and domestic rights, he thus proceeds:

"To mention a case or two.—Two female apprentices to ———, the property of a local magistrate, were released from their apprenticeship by their husbands, who were desirous the remainder of their lives should be devoted to the superintendence of the domestic comfort of their families, and to that necessary care which their years and infirmities required. They were both old African women, who had been upwards of thirty years the property of their late master. The moment their certificate of discharge was granted, the overseer was directed to give them notice to leave the estate, and they were forbidden to enter the houses of their husbands, unless they paid a weekly sum for the privilege. They have two or three times applied to me for advice and protection, and my endeavour to protect them in their civil rights has created a considerable degree of irritation against me, not alone in the bosom of their late master, but generally among the magistrates and attornies of the district. The latest (but I fear it will not be the last) attempt to remove and annoy them, was a threat that Mr. ——— would issue his warrant, under the Trespass Act, for their apprehension."

"At ——— plantation, Robert Graham purchased the remainder of his term, and, though a married man, was immediately ordered off the property, and forbidden to enter the house of his wife. A few weeks ago, in the silence and stillness of night, he crept into the house of his apprenticed wife, to whom, at the altar of his God, he had sworn "that, forsaking all others, he would cleave unto her until God did them part." He is a Baptist, and they joined in prayer, and sang a hymn of thanksgiving. His arrival was instantly reported to the overseer, who (still haunted by the memory of those accursed and heart-blighting days when the voice of the slave, raised in any other tone than supplication to or adulation of his task-master, was considered rebellious or insubordinate) instantly ordered the constables to watch at the door, and apprehend him on coming out, which was done; but by some means he contrived to escape, and came to me. visited the property, and have, I trust, for a time secured to him his domestic

rights, and the privilege of visiting, as a free man, any other of the members of a free community."

"At ———, James Harris, an old man, has six children on the property, two of whom are incurably diseased, requiring one person's entire attention; and Ann Barnswell had two children, and an aged and impotent mother, with two or three others. The moment their release was effected, they were served with notices to quit at the expiration of three months, or to remain only on condition of paying an exorbitant rent, though occupying the same houses as their apprenticed children, and relieving the estate from the necessity of supporting and nursing their sick and disabled families. The same system has been pursued on other estates in this district, and I have reason to believe it is as extensively and as invidiously carried on in every part of the island."

On this important subject, the following remarks are made by Lord Glenelg in a despatch dated the 2nd October, 1837. (Vide Parl. pap., part v. (1) p. 278.)

"In a former report Mr. Lyon called attention to a practice, to which he does not, however, again allude, namely, the interdiction of intercourse between the free husband and the apprenticed wife, and *vice versa*. This appears to be resorted to for the purpose of discouraging the apprentices from purchasing their discharge, and to be effected sometimes by threats of prosecution under the Trespass Act, and sometimes by charging the emancipated party with an exorbitant rent.

"This practice (though I do not find it complained of generally), Mr. Lyon states to be prevalent in his district, and, as he has reason to believe, in every part of the island.

"With the rent which the proprietor thinks fit to demand for the use of his property (much as it is to be regretted that he should use his power for such a purpose), it is of course impossible to interfere. But with respect to prosecutions for trespass, it must always be in the power of the negroes themselves, by abstaining from the violation of any postive law, to visit each other's huts without rendering themselves liable to prosecution. On this subject, I would refer you to a despatch, addressed to the Marquis of Sligo by Mr. Spring Rice, on the 10th November, 1834, in which the following observations are made with reference to a question which had been asked, as to the right of apprentices to visit each other's huts: "On the third question, whether the bye-paths by which the slaves were accustomed to resort to their huts are now open to them as apprentices, I agree with the Attorney-general, that no man can lawfully stop up ancient paths; but it appears to me, that the apprentices must be considered as tenants, and as having the rights incident to that character; amongst these is the right of resorting to the tenement demised, by any accustomed or covenient pathway lying through the land of the person making the demise."

The right of a wife, real or putative, to resort to her husband's hut, and there remain with him in opposition to the will of the proprietor of the soil, seems to me to rest on an equally clear ground. In common with every other tenant, the apprenticed labourer may admit upon the demised premises, any person whom it may be his pleasure to receive there. The Act of Assembly, indeed, enables the constables to imprison any apprentice not employed on the plantation who may be found loitering thereon, without the knowledge or permission of the owner. But these terms certainly cannot apply to the case of a woman engaged in her ordinary duties or pursuits under the roof of her real or supposed husband."

In concluding this article, allusion must be made to the flagrant abuses connected with the power of apprehending and imprisoning for safe custody all persons who are suspected of being run-a-way apprentices, a suspicion which may attach to every apprentice found beyond the limits of the plantation without a passport from his employer. This subject has been particularly noticed in Lord Sligo's pamphlet, under the head of Gaols and Workhouses; and regarding that publication in the nature of an official document, reference is again made to it. Lord Sligo thus observes:—

"An overseer, a book-keeper, a policemen, an estate constable, or even any idler riding out for amusement, sees a black man walking along the road with a bundle, or, what is most frequent, a basket of provisions on his head;—he stops him questions him—and if the man does not give an explanation *satisfactory* to the

inquirer,—if the negro does not succeed in giving *what he considers*, to be sufficient explanation,—he takes him up, for which he is entitled to a certain premium, and brings him generally before the nearest *local* magistrate for examination; and in order to get the reward to which he is entitled for apprehending a run-a-way, urges the man's committal to the workhouse. The man, generally, has not the means at hand of proving to the magistrate, who and what he is; and that officer, naturally not wishing to let a run-a-way escape, commits him on suspicion. As soon as he reaches the workhouse, he is at once chained to some other fellow-prisoner by a collar round his neck, and he is sent out, in the penal or chain gang, to clean the streets of the town, or do any other work, in which the parish penal gang happens to be employed. He is then, as the law directs, advertised for four successive weeks in the Colonial papers, for the purpose of being claimed; and, during all that time, works for the benefit of the parish, and perhaps at the end turns out to be a free person. In that case, he has undergone an unjust and severe punishment."

"Perhaps, however, he is really an apprentice, and having given a false name, is not recognised; or if he shall have correctly designated himself, his master has not by accident seen the papers in which he is advertised: what then becomes of the man? It will probably be at once said,—"Oh! he is of course released, when the time for the legally required number of advertisements has elapsed." In some cases this happens, where the Custodes or magistrates are anxious to do their duty; but more frequently he is detained, at hard labour, in this place of confinement, till some one accidentally interferes."

"Among many instances of such abuse, there was one which caused some conversation. A female (whether an apprentice, or not, has never been to this moment proved) was confined for nine months in the Port Royal workhouse, on suspicion of being a run-a-way. When questioned, she admitted herself to have belonged to a man at Montego Bay. He had been repeatedly written to by the supervisor of the workhouse, to inform him, that she was there in confinement; he, however, never took any notice of these letters, and she still remained a prisoner. These circumstances having been accidentally made known to the Governor, he ordered her immediate release; but she had been for nine months in confinement, and had worked in the penal gang in chains in the streets. *Without any trial, conviction, or sentence*, she had been kept all that time at hard penal labour for the benefit of the parish, and had no possible means of subsequently obtaining redress. Some instances are known to have occurred, of a master leaving an apprentice in such a place, even at his own loss, through spite; he being in no other way able to get so heavy a punishment inflicted. An instance is well known of an individual, who, though he bears the highest character for humanity and benevolence, left, in such a position, one of his female apprentices of whom he thought ill, in order to get rid of her; she not being willing to leave his estate; and yet there is not a man, of the most violent anti-slavery feelings, who would not say, that a more humane person does not exist in the whole Island."

Such then is the spirit of this portion of Colonial laws,—such, the depraved feeling to which the negro is now subjected,—and to which, moreover, he will continue to be subjected, even after the termination of his apprenticeship, unless the most strenuous efforts are made to place his future liberty on a more secure footing.

It would not be difficult to cite abundant proofs of similar abuses in the other Colonies; in each of which, a uniform system of aggression and encroachment upon the extra time and labour, and the domestic rights and privileges, of the apprentices appears to have existed; but the above extracts will be sufficient specimens of the practical grievances now under consideration.

APPENDIX L.

Treatment of Women, Children, and Infirm and Aged Persons.

The facts alleged in the Anti-Slavery Statement under this head of inquiry, are sufficient to sustain the general charge, that the legal condition of these unfortunate classes of apprentices, both in the Crown and the Chartered Colonies, is in various respects considerably worse, than it was under a system of avowed slavery. The special design of this Appendix, indeed, prevents a minute inquiry into the particular privations which make up the substance of this charge; nor can any such minuteness of detail be deemed necessary, while the main proposition stands uncontradicted, namely, that various humane regulations and exemptions adapted to the peculiar infirmities of sex and of age, which existed in all the Colonies, under the slave system, have not been recognized by law under the new system, and which are, consequently, to a great extent in practice withdrawn.

It must now suffice to insert a few brief extracts from the laws and usages of several of the Crown and Chartered Colonies; together with official and authentic comments, in further illustration of this painfully interesting subject. The question of plantation discipline will be first considered.

Chartered Colonies.

By the 17th section of the consolidated Slave Law of *Jamaica*, it was enacted, "that every female slave, who shall have six children living, or, who having raised from infancy, and during the period of nurture, a child or children of deceased mothers, and which shall continue to live with her, as her adopted child or children, shall have her own, and of such so raised and adopted child or children six children living, shall be exempted from all hard labour in the field or otherwise."

In addition to such exemption from hard labour, it appears from a preceding article in this Appendix, that such females were entitled, by custom, to a weekly or daily allowance (according to their respective cases) of rice, sugar, and other indulgences. And moreover, that all mothers of young children, were allowed a certain portion of time, out of the period devoted to labour, for suckling the infants, and performing other necessary offices of maternity.

The nature of the indulgences granted to pregnant women, to mothers, and to infant children, together with hospital allowances, in Jamaica under the slave system, will be further understood from a statement of Mr. Robert Hibbert, Jun. appended to a memorial presented to Government in 1830, by certain leading West India Planters, (vide Parl. pap., sess. 1831, No. 120, p. 35), as follows:—

"*Pregnant women are treated with peculiar care; for three months before lying-in, and two months afterwards, a woman does no work whatever.* When her child is about a couple of months old she takes it out to the field. All the mothers of young children go to the same work; and the children are put down together in some shade near the field; if a child should be fretful, or apparently unwell, it is taken either home or to the hospital. When it is weaned, the mother carries it to the nursery in the morning, where it is attended to during the day, and she calls at night to take it home to her own house.

"Medical attendance is a large item of expense in every sugar plantation in Jamaica. Large and capacious hospitals are erected, in which there are separate apartments for the men and the women; there is always a cook, and one of the best and most trustworthy women on the estate, is appointed to attend the hospital as sick nurse; her duty is to keep the hospital and the sick in it clean, and to administer such nourishment to the patients as may be prescribed. Besides the regular surgeon, who visits the hospital two or three times a week, or oftener if there is any occasion, and who examines all the patients individually, and writes his prescriptions in a book, there is on every estate an intelligent man, who per-

forms the duties of hospital doctor, and who, for years acting under the direction of the white doctor, acquires some knowledge of the common complaints of the negroes. The overseer is ever attentive to the hospital; he reads over the hospital book, when he examines the black doctor about his patients, and prescribes, in the absence of the white doctor.

"It may be stated, as the universal practice throughout the Colony, that no trouble or expense on the part of the proprietor is spared to administer to the comfort of the sick; every article in the shape of medicine, or likely to be useful, wine, or nourishment of various kinds, such as rice, flour, sugar, arrow root, animal food for soup, or chickens when necessary, are always afforded. In case of dangerous illness, a negro is always allowed the attendance of some of his own family.

"Besides the hospital, there are nurseries attached to every plantation, consisting of neat buildings on a ground floor, with platforms for the children to sleep upon, and a spacious yard as a play-ground. The children receive food of that kind which is best adapted for their age, such as rice, and a pot of soup generally is ready at noon, consisting of Indian corn or cocoa, with a piece of pork."

The allowances and indulgences of *Barbadoes* may in like manner be gathered from a similar statement of Mr. J. P. Mayers appended to the same memorial (p. 46), as follows:—

"From the time that breeding women report themselves with child, they are withdrawn from the large gang, and employed about very light work, until delivered. Baby linen is provided for them, caudles and other necessaries sent them, a midwife paid to attend them, and a nurse of their own choice to keep them at home for the month which they are allowed to stay in the house, and upon coming out, they receive a small present of money. When the children grow a little stronger, the mothers come out at seven o'clock in the morning, leave the children in the nursery, and go to work; they come home at nine, go to work again at ten, and draw off at twelve.

"In the afternoon, they go to work at three, and draw off at five; they then come home, and take their children to their houses. The children are generally weaned at the end of eighteen months. On every estate, a proper building for a nursery is erected, where the infants are kept during the day, under the care of elderly women, as nurses, with a sufficient quantity of pap provided to feed them with, in the absence of their mothers.

"There is a good hospital on almost every estate, which is generally a clean, well-ventilated building, provided with cabins and other conveniencies, and beds for such as are ill to lie on. To the sick, proper and regular nutriment is allowed, and no expense is spared for such articles as the doctor thinks necessary for them. A practitioner attends every day, and a surgeon or physician is called whenever required."

The practical consequence of omitting to specify these allowances and indulgences in the apprenticeship laws of the Colonies, will be seen in the instance of Jamaica, from the evidence taken before the Committee on Negro Apprenticeship.

On this subject, Mr. C. Brown a special magistrate, having the charge of upwards of fifty estates, in his answers to questions 5721, *et seq.*, states in substance, that the want of a particular law to secure the indulgences of slavery to pregnant females, was a great trouble to him; and that actions were threatened against him for interfering in their behalf.

On being asked, whether the mothers of six children were exempted from field labour, he replies, "in former times; but they would not grant it during my time; they wanted to do it away." On being asked, whether that was universally the case, he replies, "in my district, they took away all the cooks, they took away all the midwifes, and they took away all the water carriers, till some of them relented, and appointed them back again; but they made them understand that that was an indulgence they had no right to." And in answer to a subsequent question, he observes, "that the persons who had been accustomed to do offices for the comfort of the slaves were not generally re-appointed."

Again, Dr. Madden, a special magistrate, in his examination before the same

Committee, in answer to question 482, says, "I have known very great hardships suffered by pregnant women, in consequence of being called on to work up to the last moment of their pregnacy, which before the 1st of August, they were not called upon to do." In answer to questions 525, 526, 527, 528, 529, the same witness states, that the old women, who formerly acted as cooks and nurses in the field, were pretty generally withdrawn under the apprenticeship system; that he had seen mothers of six children working in the second gangs; and that he had heard aged and infirm negroes threatened with field labour, though he had never seen them so employed. In answer to questions 600 to 604, he further observes, that mothers were obliged to carry their infants to the field, and lay them down by the side of the place where they worked, and that he had heard "the women complain loudly that their children were in danger of being eaten by the dogs."

It is not even pretended, that these allowances and indulgences were secured to the apprentices by any specific law; though it must be observed, that Lord Sligo, in his instructions to the special magistrates (vide art. 23), recommends the care of "sick, feeble, old, and sitting down people" to their particular attention.

So far, indeed, from the allowances and indulgences of slavery being recognized in such cases, it is a fact, which would seem almost incredible, that masters of female apprentices detained from ordinary service during the last stages of pregnancy, and in childbirth, have seriously demanded compensation for the loss of time they have thereby sustained; they have likewise claimed the time lost by the mother's attending her sick children. And these preposterous demands have not been set at rest without special appeals to the Governor, and the final decision of the Home Government. (Vide despatches on this subject from the Marquis of Sligo to Lord Glenelg, and from Lord Glenelg to the Marquis of Sligo. (Parl. papers, part iii. (1.) Sess. 1836, No. 166, p. 164, *et seq.*)

To enumerate the different varieties of individual grievance endured under such defective regulations, administered by such heartless task-masters, is impossible. Some idea of the extent of suffering to which these formerly privileged classes are now exposed, will be obtained from the few following instances of hardship and outrage, selected from the evidence taken before the Jamaica Commissioners appointed to investigate the case of the boy Williams, whose harrowing narrative has been officially confirmed by that inquiry. (Vide Parl. pap. part v. (1.) Sess. 1838. No. 154—1, p. 156, *et seq.*)

The present instances are not chosen on account of their peculiar atrocity, but for their brevity, and the uncontradicted testimony by which they are established.

Mothers of Six Children.

"*Sarah Higgins* an apprentice to Penshurst, sworn. I have six children alive; three are free, and three are apprentices. Since the birth of my last child, which I have in my arms, I have been picking pimento; I am turned out with the rest of the people, and am obliged to do the same work as those who are in the great gang. No time is given me to attend to my picaninny. One day I was rather late at work; when I came to the place, massa said, 'Don't you see that the sun is up?' he then quarrelled a great deal. When shell blow in the evening, he put me in the dungeon, and kept me there till it was time to turn out to work next morning. I got nothing to eat or drink, nor would master allow me to go to my house to give any thing to my children; he would not even allow me to go and get a little water to drink. This was about two months ago; master did not send any thing for my children to eat, nor did he bring me up before Mr. Rawlinson.

"William Dalling recalled, and sworn. I know that Sarah Higgins is in the the great gang; she was put into the dungeon, as she stated, because master said that she had turned out late; she has six children, but she does not get any indulgences. I received a general order from Mr. Rawlinson to put any body in the dungeon by my master's orders; but Mr. Rawlinson did not leave, to my knowledge, any orders that any person so put into the dungeon should be brought up to him afterwards, on his visiting the property."

Mothers of Infant Children.

"*Nanny Dalling*, an apprentice on Pensburst, sworn. My mistress called me, one Friday, and said, 'Go to Mr. Rawlinson,' and he will tell you the law. When I went to him, he ordered me to the House of Correction. As I knew that I had not done any thing to my mistress, I turned my back, and she accuse me of being sulky and tying up my face; when I turned back, Mr. Rawlinson took me by the arms and shook me in such a way as to pop a button in front of my frock; he did not order any body, but took me with his own hands and put me into the dungeon. I had a sucking child, and master told him to give me the child, but he said he would not; he went away and came back a few hours afterwards, and ordered me to be locked up for fourteen nights in the same dungeon. I went one evening, and begged mistress not to lock me up again; I asked her to forgive me; she said, 'No! that if she did that, Mr. Rawlinson would not punish me again.' I slept in the dungeon thirteen nights, and on the fourteenth night they let me out."

Pregnant Women.

"*Jane Sims*, an apprentice at Hyde Park, sworn. I am in the field in the great gang; I was put in the coffee-store to pick coffee along with some other negroes; I was put in soon in the morning, then let out to breakfast for half an hour; I never was allowed to go to ease myself, and I was not let out till about five o'clock. I was confined in the coffee-store from Monday to Thursday picking coffee; I felt sick, and went to the hospital as my back hurted me; after that I went to the busha, who pulled my petticoat down, raised up my shift, and my person was exposed to him, and he walked round me; he then made the doctor-woman throw and rub turpentine on my back. The door of the coffee-store is locked, sometimes outside and sometimes inside; when I was in, the constable locked it inside, and the key left in the door. The busha said, if we wanted to ease ourselves, we must do so inside, as there was too much coffee stolen.

"Mary Ann Kelly, doctor-woman in Hyde Park, sworn. I remember Jane Sims being brought to the hothouse; busha told me to bring up all the hothouse people; I did so; the busha then sent me for the turpentine to rub the back of Jane Sims, and I brought it. I dropt her petticoat and drew her shift, and rubbed her back before the busha; busha desired me to do it that way; I could not do it otherwise, as busha desired me to do it so; I tried as much as I could to prevent the indecent exposure of her person; I dropped her petticoat half way, and took up her shift to rub the back; a part of her person was exposed behind; busha desired me to draw the shift up more, and he walked about seeing all that part of her person which was exposed. I endeavoured all I could to prevent the exposure; she was in the family way, but lost the child. Sophia Reid was present when the person of Jane Sims was exposed in the way related."

Aged and Infirm Persons.

"*Ann Campbell*, an old weakly woman, apparently about 60 years of age, sworn. I was driver to the little gang, and master told me, that when they behaved wrong, I must switch them. I said, 'I could not do it, as the law would not give me right if I switched any body.' I told him, that if he wanted the children to be switched, he must carry them to their mammys, and let them switch them. After this, Mr. Rawlinson came, and massa said, 'You must send this woman to the jig mill.' Mr. Rawlinson said, 'What has this poor old woman done to be sent to the jig mill?" Master replied, 'She wont flog the picaninnies.' From that time master cursed, and cursed, and cursed me at all times. One day, after the Mulgrave law came in, I was in the field, and I said to the driver that I wanted to go aside for a particular purpose, but when master heard it, he cried out, 'There is no law for that.' This was Friday; I was obliged to go aside, and master took and locked me up in the evening, and let me out on Saturday. Master told constable that he locked me up upon this account. Another time the shell blow for breakfast; I had been carrying dung, and went to my hut to get my

breakfast; when the shell blew to turn out, I left the hut, but, as I could not walk as fast as the others, I was lated in the field. When I got there I saw massa; he abused me for turning out late, and in the evening he made the constable put me and Abis, and Lizly Finlayson, and another of the girls in the dungeon. Mistriss. (Miss Senior) called out to the constable, and said, 'Hawl her by the neck, and put her into the dungeon.' Mistress said that it was me who they were to hawl, but the constable said 'No, he could not do so, as the law did not tell him to do any thing like that.' Master threatened me after I came out of the dungeon to send me to Brown's Town, to the magistrate; he then told me, 'You are a driver of the picaninny gang, and if you wont trum them when they do wrong, you must work.' He then turned me out to work in the small gang, and I am now working there. I have a big swelling or rising in my back. On Monday last I went to mistress, and begged for some grease to make a plaister to put on it; mistress cursed me, and said, 'Go to Mr. Clarke, the Baptist parson, since you carry your master to law, and make him cure you.' I told her that I had never carried master to law; she then cursed me, and walked away without giving me the grease. Sometime before this I had a blister on my back; Dr. Tucker ordered it to be put on; but before mistress gave it me, she and master abused me in such a manner that I was ashamed as a dog. At the time I had on the blister there was no doctor-woman in the hothouse, and, as I wanted to get it dressed, I got a mulatto woman, named Mrs. Mills, to cut it; when massa saw her cutting it he abused her a great deal; rather than remain in the hothouse with such treatment, I went out, raw as the blister was, to work. I went first to my ground on Saturday, and cut a few corns, and dug a few victuals, so as to prepare for the Monday. On my return, it rained very hard; it rained like thunder. The constables came up to me, took me in my wet clothes, and locked me up with them on, in the dungeon; there I remained till next morning; constable locked me up by master's orders. I did not get any food all the time I was in the dungeon, although I told my master that I had not had any thing to eat the whole day. I begged him for something to eat, and he said he would not give it. In reply to a question from Mr. Senior, this witness stated, that some time last week she was met by her master, in his time, with a basket of provisions on her head; she was then going to her work, and believes that it was about an hour and a half after the time she ought to have turned out. Mr. Senior assured the court that there there is very little truth in the statements made by Ann Campbell and the other apprentices from Penshurst; on being asked by the court, whether he wished to ask any questions, or bring forward any witnesses to refute what had been already given in evidence, he replied in the negative, saying at the same time, that it was his intention to bring a number of them before the quarter sessions on indictments for perjury, more especially the man named William Dalling. Mr. Senior further remarked, that there was no occasion for his further attendance, as it was his intention to go to Spanish Town, where he would communicate with his Excellency the Governor, and report to him all that he had seen and heard."

Under the same class of sufferings, the case of the aged and respectable female apprentice, Tabitha Hewitt, and the generally atrocious treatment of sick apprentices on that estate, must be again mentioned, not for the purpose of substantiating facts of outrage and cruelty which are placed beyond question; but in order to prove the utter hopelessness of redress for them under the present system, in a Colony, in which the supreme court of justice seems to have tacitly encouraged the opinion urged in defence of the planter Mason, that as "the consolidated Slave Law did not fix medical attendance as a legal obligation," "it did not exist as a legal obligation now, though it was the usage of the Colony in times of slavery." (Vide Parl. papers, part v. (1.) p. 31.)

Crown Colonies.

By a general Order of His Majesty in Council of the 2nd November, 1831, sections 92, 93, and 94, the following labour regulations in favour of pregnant women, young and aged slaves were enacted.

Section 92.—And it is further ordered, "That no slave under the age of four-

teen, or above the age of sixty, and no female slave known to be in a state of pregnancy, shall be compelled, or requested to engage in, or perform any agricultural work or labour in any of the said Colonies, during more than six hours in the whole, in any one day, the day being, for this purpose, understood to commence at the hour of six in the morning, and to terminate at the hour of six in the next succeeding morning."

Section 93.—"And whereas, at certain periods of the year, it may be necessary occasionally to employ slaves in and about certain manufacturing processes in the night time; it is therefore ordered and declared, That nothing hereinbefore contained extends, or shall be construed to extend, to render the employment of slaves in manufacturing processes within the said Colonies, in the night time illegal, provided, that no such slave be required or compelled to labour for more than nine hours in the whole, on any one day, the day being for that purpose, understood to commence at the hour of six in the morning, and to terminate at the hour of six in the next succeeding morning."

Section 94.—"And provided also, That no slave under the age of fourteen years, or above the age of sixty years, and no female slave known to be in a state of pregnancy, be ever employed in any agricultural or manufacturing labour in the night time."

On reference to the apprenticeship ordinances of these Colonies, it will be seen, that no such regulations have been introduced into them; the consequence of which omission, has been to deprive the apprentices of these important privileges.

That such results have actually ensued, will be seen from the following Circular instruction of the Governor of British Guiana, to the Special Justices of that Colony.

Camp House, 18 May, 1836.

"Sir,—I beg to draw your attention to the accompanying copy of a letter, addressed by my orders to the Special Justice of district A, relative to the death of a twin child, of which a female apprentice, attached to one of the estates in his district, had been delivered. You will perceive, that this poor woman came to Camp House, with one child at the breast and the other dead in her arms, to complain of the extent of work she was compelled to perform. My object in bringing this distressing circumstance to your notice is, to impress upon you, the necessity of paying every attention to the state of the health, and consequent strength, of any labourer who may be brought before you, charged with neglect of work. This rule (just and applicable in all cases) ought to be particularly attended to as regards female labourers. The law has not, with respect to apprenticed labourers, as it did with respect to slaves (when slavery existed,) pointed out the exact diminution of labour, to which, according to her state of pregnancy, or the period which has elapsed since her confinement, the female labourer is entitled. In appointing special justices, and in confiding to them the superintendence of the apprenticed labourers, and the settlement of all questions which may arise between the employer and the labourer, such detailed enactments as I have alluded to, became unnecessary. In each individual case brought before you, you are the Judge; and previously to pronouncing your judgment, it is for you to consider the strength and capabilities of the individual complained of. You are consequently, as I have already explained, the sole judge as to whether the labour performed is as much as the labourer, whether male or female, can and ought to perform in the time placed by law at the disposal of the employer, taking into consideration the health and strength of the individual. In all complaints against females, their state of pregnancy, the number of children they may have borne, the time since their last confinement, the age of the infant or infants, they may have at the breast, I wish in future to be inquired into, and to be entered on the records of the proceedings."

It is much to be regretted, that this construction of the law, which appears to have been at variance with the opinions of the law officers of the Crown, should have been since confirmed by the Home Government, (vide despatch, dated 30th July, 1836, Parl. pap. part iii. (2.) p. 195.)

But in addition to these exemptions from labour, in the Crown Colonies, slaves of the description now under consideration, were entitled to various allowances and indulgences of a nature similar to those already described in the Chartered Colonies.

For instance, the statement of Mr. Hugh Hyndman, in the West Indian Memorial of 1830, above referred to, (vide p. 41,) relating to Demerara, is as follows:—

"When a woman proves pregnant, she immediately relaxes from her usual quantity of labour, and a young or weakly negro is put to assist her; or she is sent with the weak gang, where the work is lighter. Here she continues till her sixth or seventh month, after which she does little or nothing: but under the idea that exercise is absolutely necessary for her health in this state, she is enjoined to keep moving about until her confinement, when she is allowed rice or barley, and sugar, besides her usual allowance of food. A person also is ordered to attend her, besides the midwife, during fourteen days. At the expiration of six weeks she brings her infant to be named, after which, in about two months she again resumes her labour, but for twelve months, it is very little to be calculated upon: she does not turn out for half an hour after the rest of the gang, in the morning: in about two hours she returns, and remains with her child, half an hour before the rest of the gang: the same is again repeated in the afternoon. On the slightest indisposition of the infant, she resorts with it to the sick-house, where she remains until she chooses to leave it of her own accord: her work in the field being so little calculated upon for twelve months, that it is matter of indifference whether she is there or not."

"Mothers of children do not turn out for half an hour after the rest of the gang, and they leave the field half an hour before the others, until their children are two years of age, and sometimes older: exclusive of all this, there are two matrons to attend to the young children, and feed them during the absence of their mothers."

"Women with young children are allowed an extra allowance of rice, or other light food for their use, until the children are older; when they are regularly fed by a cook who has no other employment.

"The buildings erected for hospital accommodation are in general lofty, spacious, and well ventilated. Some hospitals built within the last four or five years, are finished in a style equal to a proprietor's dwelling-house; the window-sashes hung on pullies; the walls and ceilings painted; the apartments well arranged, and neatly finished; built on brick pillars seven or eight feet from the ground, two stories high from the pillars; and some are three stories, with airy comfortable apartments, in the upper story, for lying-in women.

"The medical attendance is on a liberal scale on every plantation: two dollars per annum are paid to the doctor for each negro, young and old, and extra allowances for all operations of magnitude, as likewise allowances for the whites attached to the respective estates. Every hospital has an attendant attached to it, who is generally capable of performing all the offices of an apothecary, and under him, is usually another (for the most part a woman) whose more particular department is the nursery. Besides this, when a negro is very seriously ill, his nearest female relation is always allowed to remain with him; as is also the mother with her child, even though grown, if but slightly indisposed.

"When a negro is dangerously ill, and medicine is required to be given to him during the night, it is by no means unusual for the overseer to remain all night in the hospital. It is his duty to see the prescriptions carried into effect, unless the manager does it himself, which is frequently the case. And in every instance, where wine, food, or any particular clothing is ordered by the medical attendant, however expensive or difficult to be procured, it is furnished by the proprietor; no matter whether the patient is a young or valuable negro, or whether he is an old negro quite incapable of labour."

And in the statement of Mr. Robert Neilson, respecting the allowances and indulgences of Trinidad, (vide the West Indian Memorial, pp. 43, and 44.) the following observations occur:

"Women, during the last month of pregnancy, do not attend to any business, and at their lying-in they are assisted by a proper woman. They are allowed wine, and three pounds of beef a week in addition to the usual allowance of fish.

"Mothers, with young children, are not asked to go to the field in the morning before seven o'clock. They are allowed an hour and a half for breakfast. Their services are not required from eleven o'clock until three. They cease work shortly after five o'clock.

"Children are not weaned until they are fifteen or eighteen months old, during

which time, they are allowed half a gallon of flour, or of rice, per week. The mothers who have five or six children, are not obliged to work. They are allowed to devote their whole time to their children; besides, there is a general nursery for those children whose parents are employed during the day.

"If a negro becomes infirm by age or accident, he is supplied with food, and every pains taken to administer to his comfort."

The practical effect of not specifically enjoining the same allowances and indulgences under the apprenticeship system, has been alike injurious, both in the Crown and the Chartered Colonies. It will be unnecessary, however, to pursue this subject further; since the evidence which has been elicited by the Jamaica Commissioners, satisfactorily shews, that in every Colony under apprenticeship law, opportunities will inevitably be afforded of inflicting the grossest outrages, which no vigilance on the part of the executive government, can either foresee or prevent. The Marquis of Sligo, in a despatch to Lord Glenelg, dated 7th Sept., 1835, (vide Parl. pap. part iii. sess. 1836, p. 87,) says, "The proprietors have in many instances, in the harshest manner, compelled poor helpless males and females, sometimes with only one leg, at another with but one arm, and all, most feeble, to work in the field. Mr. Special Justice Hawkins says, (vide Parl. pap. part v.—1. No. 154, Sess. 1838, p. 303.) "Although the mothers cannot be hindered from attending them" (their children) "when sick, they are invariably required to pay back the time so lost, to the estate." Mr. Special Justice Ramsay says, (vide Parl. pap. part v.—1. p. 294.) "From the circumstance of the mothers being expected to perform their work without any consideration for the free children, great loss of life must ensue, and great neglect of their physical comfort and moral improvement occur," and many more similar extracts might be given.

Independently, however, of these outrages, the condition of married women and of mothers of families, will appear to be peculiarly hard under the present system, when it is recollected, that beside the ordinary labour of the estate—and with but little allowance made for the ailments of married life—the care of their children, and every species of domestic work incident thereto, devolves principally on them. And that to this, is now superadded, the necessity of providing subsistence in their own time, for such of their children as were made free by the Abolition Act, or have been born since that period. Under such a system, therefore, it cannot be matter of surprise, that mothers are often reduced to misery, and that their children are not unfrequently left in a state, bordering on destitution.

Punishment of Females, and Sick and Aged Persons.

In the preceding division of this article, the hardships of plantation discipline have been considered; but a few observations remain to be made on the atrocious treatment of females, and sick and aged persons in Workhouses, and Houses of Correction; where the most positive injunctions of the Imperial Act of Abolition, have been wantonly violated; and the unhappy inmates have been doomed in crowds to expiate the most trivial apprenticeship offences, in the midst of horrors scarcely exceeded even in the dreadful Cells of the Inquisition.

To undertake the task of proving the facts connected with this part of the case, or even of detailing in this article, the shocking barbarities practiced in such places, on defenceless females, and infirm and aged persons of both sexes, is fortunately for the cause of truth and of justice, now rendered unnecessary, by the amplest official admissions.

It is, at length, fully ascertained, that in many of the workhouses and other places of confinement in Jamaica, the most ordinary sympathies,—the most common decencies,—the most imperative necessities of humanity, have been systematically outraged by monsters, to whom the "tender mercy" of Colonial functionaries, has instructed the administration of these judicial tortures. Women in an advanced stage of pregnancy,—mothers with infants at the breast,—young girls,—sick and aged apprentices of both sexes,—have been consigned, on the slightest pretexts, to these dens of pollution and outrage. While there, they have been compelled to perform the terrific labours of the tread-mill and of the penal gang, beneath the lash of prison drivers, who are themselves frequently convicts

for life: they have been subjected, moreover, to "cruel mockings and scourgings;" they have been inhumanly lacerated and bruised; they have been loaded with galling chains and collars; they have been wantonly shorn of their hair; their persons have been indecently exposed, and treated with needless indignities; they have been deprived of proper nourishment and attendance; and even of the consolations of the ministers of religion; some of the younger females, have been tempted to escape these barbarities by surrendering themselves to the brutal passions of their drivers; while others have preferred torture, "not accepting such deliverance." In a word, no pains have been spared to aggravate the terrors of imprisonment. At the termination of this frightful ordeal, the miserable sufferers have, in some instances, been dismissed, covered with putrifying sores; several persons have actually expired from the effect of these dreadful tortures, and others, have only recovered from wounds inflicted by the cat and the mill, and from the exhausting effects of prison discipline, after long treatment in hospitals, where they have been again exposed to all the additional suffering which heartlessness and neglect could inflict upon them.

The evidence on this subject is conclusive. It will be found in the examinations taken before the Committee on Negro Apprenticeship. (Vide questions 915, 920, 938, 940, 5203, 5248, 3168, 3182, 3184, 3187, 2200, and in the admissions of Sir George Grey, question 5543.)

It will be found again, in the speech of the Marquis of Sligo to the Jamaica House of Assembly of the 3rd February, 1836, wherein his lordship makes the following observations:—

"I pressed on you the establishment of more courts of assize, so strongly recommended by the presentment of the grand jury at the late supreme court;—you took no notice of it. A revision of the laws affecting the discipline of gaols and other places of confinement was recommended to you. You were reminded, that the infliction of corporal punishment had been deputed to the supervisors and managers of such establishments, a class to which the constitution does not confide those magisterial powers, which have been placed by you in their hands; all those subjects have remained unnoticed.

"The whipping of females, you were informed by me, officially, was in practice, and I called upon you to make enactments to put an end to conduct so repugnant to humanity, and so contrary to law: so far from passing an Act to prevent the recurrence of such cruelty, you have in no way expressed your disapprobation of it. You have not even denied the truth of my assertion, and, therefore, must have credited it; notwithstanding, you have taken no steps to put an end to the practice.

"I communicated to you my opinion, and that of the Secretary of State, of the injustice of cutting of the hair of females in the houses of correction, previous to trial, and with no judicial sentence to authorize it; you paid no attention to this subject."

Additional evidence, but more in detail, will be found in the letter of Special Justice Baynes to the Marquis of Sligo, setting forth the cruelties practised in the House of Correction of the parish of St. John, in the cases of Ellenor Lorraine, Ann Frances, Margaret Taylor, Letitia and Frances Lendo, (vide Parl. papers, part iv. (1.) p. 125, *et seq.*) And again, in the enclosures transmitted by the Marquis of Sligo to the House of Assembly, (vide Parl. papers, part iii. (1.) p. 310, *et seq.*) from which the following cases are extracted.

"Mr. Speaker,—I am commanded by his Excellency the Governor, to present to the House, in compliance with their message of the 3rd instant, the particulars of twenty-four cases of female apprentices, who have been reported to his Excellency, to have been subjected to corporal punishment, in this island since the passing of the Abolition Act.

"Half-way-tree, since June, 1835.—Agnes Davis, flogged by Edward Phillips in the field on Monday, and again on Thursday, proved in evidence that many other women were flogged at the same time.

"Between 15th October and 15th January.—Jane Rentford, by Nelson, the boatswain, with a cat when on the tread-wheel; she fell off the rail, and cried for water, and the boatswain flogged her again across the shoulders with the cat. Whiteman, the overseer, was present, and ordered it. When she entered the

gate on her first committal, she was struck across the shoulders by Waddle, a driver, in Whiteman's presence; one day also she fell from the mill on the ground; Whiteman, the overseer, himself took the cat out of the driver's hands, and struck her across the shoulders till the blood was brought; he then kicked her, and made her go on the mill again. In the field, at Malines, she was flogged by the driver Phillips.

"Henny was severely flogged on the mill by Woolfrys the driver, by Whiteman's orders.

"Charlotte, apprentice to Mr. Osborne, severely flogged by Nelson, by orders of Whiteman; her clothes much torn; she fell from the mill exhausted, and they flogged her on again; she begged for water, but the boatswain continued to flog.

"Amelia Black, apprentice to Andrew Simpson; on coming into the workhouse her head was shaved by Mr. Liddel; he kicked her with his feet in presence of Neptune and Mrs. Liddel. When put on the mill was struck in presence of Whiteman and Liddel, who did not stop it. Neptune next day struck her more severely; saw many females with marks of cut on their back.

"St. Mary's, April, 1835.—Eliza Martin, held in the field and flogged with a cat on her back. John Gordon, tried at quarter sessions at Port Maria, and sentenced to pay 40s. for the offence.

"St. Thomas-in-the-Vale, 14th January, 1835.—Sophia Williamson, from Charlemont; Sarah Graham, from Rio Magno; Strawberry Farrar, from Roza Mount; severally severely flogged, and the matter investigated by the local magistrates.

"Falmouth, 20th June, 1835.—Sarah Jarrett and three other women same day. Sarah Jarrett was brought to bed of a child within a month after the punishment was inflicted.

"25th and 26th June.—Jane Reid was flogged on both those days by order of Mr. Sioly, the supervisor, for which he was indicted, but died before sentence was pronounced.

"Mandeville, about 10th September.—Mary Sarjeant and Sarah Crozzle were seen in Mandeville workhouse by a Special Justice, with a severely lacerated back, the result of flogging, and as the justice entered fell from the wheel to the ground in a state of debility; the driver ran to flog her, and had his cat uplifted, when the Magistrate stopped him and reported the case. Mr. William Telfor died before the preliminary inquiry terminated, and could not therefore be prosecuted. It appeared from evidence that Sarah Crozzle was flogged twice; that the driver or boatswain occasionally flogged her to make her move quicker.

St. George's, 25th May.—Ann Maria Thompson. At the inquest held on the body, it was found by the supervisor, that he had seen her flogged, and that the driver had orders to flog any one who did not perform his work. Dr. Robertson swore he saw on the body marks of severe flagellation. Moody, the driver, swore he had flogged her four times in the week. N.B.—Flogging not supposed by the jurors to have occasioned death.

"Betsy Waldron sworn; she has also been flogged.

"Kingston House of Correction, 26th February, 1835.—Janet Williams. The boatswain of the house of correction swore that she had more flogging than the other women on the tread-mill, because she was more obstinate; his shoulder was sprained, and so he could not use his strength; but he licked her and others at the same time.

"Aglae, reported on the committee of the House of Correction at the same time to have been flogged. No allusion whether other females had, or had not, been flogged. It was, however, admitted that such were the general orders.

"Though these facts were admitted, the Grand Jury of Kingston, threw out the bills against the supervisor and his assistants at the Surrey court of assize.

"Kingston, 19th May, 1836.—Sarah Young, flogged by Mr. Coffee and Edmund Wolf.

"It appears in evidence that several other women were flogged with a cat by the same person.

"About the middle of April.—Elizabeth Emanuel frequently flogged by Mr. Coffee, as well for short work at the mill as for talking, for which she was again flogged by Mr. Coffee, not only on the legs but on the back; he has seen Mr. Aitcheson frequently stand by while Coffee did this.

"In the beginning of April.—Phœbe Goldson was flogged with the cat by Joe

Smart, a driver, for not dancing quick enough, the cat always being near when Mr. Coffee sits." (Parl. papers, sess. 1836, No. 166, pp. 380, 381.)

Further proofs of the same kind will be found in various parts of the Parliamentary Papers, to which a general reference only can now be made;—from whence it will appear, not only, that the most aggravated and even fatal cruelties have been practised; but that the efforts both of the Governor and of the Colonial Office to put a stop to them, have hitherto proved unavailing. In Lord Sligo's pamphlet, which may be regarded as official authority on the subject, the following passage occurs under the head of "Gaols and Workhouses, &c."

"We now come to the worst feature of the workhouse system,—the most palpable and barefaced violation of the abolition law; namely, the flogging of females within the walls of those establishments. The extent to which this was carried, and the number of cases which were discovered, and reported, by the Governor, in messages to the House of Assembly, were perfectly astonishing. No notice was, however, taken of them by that body, except appointing a committee to inquire into the truth of the statements. No remedy was even suggested. *There cannot be the slightest doubt but that this abuse prevailed in every workhouse in Jamaica.* It was proved to have taken place at the House of Correction of Kingston, and in that of Spanish-town, continually, by orders of a local magistrate; in those, besides, of Manchester, St. George's, St. Dorothy's, and some others, the names of which are not within reach at this moment. In the Kingston case, the fullest informations were sent up to the grand jury against the supervisor, Aitcheson, and his assistants, in the case of Eliza Carr, but they were ignored. The cases of Aglae, Janet Williams, and Sarah Young were prepared; but as they were supported by precisely similar evidence, that most humane and excellent man, Mr. Anderson, the solicitor, did not think it worth while to send them before the grand jury for examination. Mr. Dallas, the Custos of Port Royal, however, in a letter of his, (page 524 of the Evidence,) declares that Janet Williams did get ten lashes with the cat, and justifies that punishment; thereby proving that, at all events, the system did prevail there."

But the most astounding body of evidence on this painful subject, is to be met with in the examinations annexed to the Report of the Commissioners, appointed by the Governor of Jamaica, on the 8th September, 1837, to inquire into the truth of the extraordinary narrative of the Apprentice, "James Williams," whose case was sometime since brought before the public. The report of those Commissioners on the matter in question, is as follows: (vide Parl. pap. part v.—1. Sess. 1838.)

"May it please your Excellency,—The Commisisoners in the prosecution of the inquiry which your Excellency was pleased to intrust to them, having taken the fullest evidence they could obtain upon the several subjects which the investigation was designed to embrace, have now the honour to transmit, for your Excellency's information, an authentic copy of their entire proceedings.

"In reporting upon the general results of this extended inquiry, it has become the duty of the Commissioners to state, that the allegations of James William's Narrative, have received few and inconsiderable contradictions, whilst every material fact, has been supported and corroborated by an almost unbroken chain of convincing testimony."

"Such being the conclusion of the Commissioners with respect to the Narrative, it can scarcely be necessary for them to add, that the Abolition Law has not been properly administered in some parts of the parish of St. Ann's; that the House of Correction of that parish was, until recently, a place of licentiousness and cruelty; and that the tread-mill has been, from the time of its erection, and still is, an instrument rather of torture, than of just and salutary punishment.

"Upon these topics the Commissioners have thought it right to report specifically, but with reference to others of no less interest, they leave the evidence to speak for itself; persuaded, that the whole detail will be found important enough to command your Excellency's immediate attention."

Signed { GEORGE GORDON, J.P., St. James'.
J. DAUGHTREY, S.M.

It is impossible in this note, to convey even a faint idea of the horrifying cases annexed to this report.* The heart absolutely sickens over the disgusting detail

* The Report and Evidence has been printed in a pamphlet, entitled, "James Williams's Narrative fully confirmed, &c. Sold by G. Wightman, 24, Paternoster Row.

of such malignant cruelties. From among the multitude of sufferers, whose names and whose misfortunes will perish together, a few only can be now selected, and commended to a nation's pity, as martyrs and victims, to the fatal experiment of Apprenticeship slavery.

In the evidence taken before the Commissioners, (Parl. pap. part v. (1.) p. 141.) *et seq.*, will be found the cases of Mary Ann Bell, Amelia Lawrence, Eliza Finlayson, Susan White, Jannette Saunders, Mary James, Catherine Bayley, Mary Jane Kidson, Margaret Jane Campbell, Eliza Nathan, Eliza Watson, Maria Graves, Mary Brown, Juliana Morrison, Lavinia Reynolds, Mary Ann Shaw, Eleanor Howell, Elizabeth Bartley, Ann Smith, Betty Williams, Leanly Thomas, Bella Richards, Emily Smith, Jane Gordon, Rebecca Smith, Susanna Carter, Nancy Webb, Maria Greaves, Amelia Sims, Mary Brown, Elizabeth Osborn, Jane Carter, Ann M'Clay, and Eliza Christie; the shocking particulars of whose sufferings will fully substantiate the charges which are now brought against this most scandalous portion of Colonial outrages and abuses.

In addition to the cases already referred to, may be likewise enumerated, those of Frederick Shrieves, an aged and diseased apprentice, who died from severe flogging, (vide Parl. pap. part iii. (1.) p. 391.) Henry James, an aged apprentice, who died also from flogging, (Parl. pap. part v. (1.) p. 159.) and Letitia Johnston, a sick woman, who died from labour on the tread-mill and in penal gangs, inflicted contrary to orders, (Parl. pap. part v. (1.) p. 128.)

Lastly, but not of least importance, must be quoted, by way of conclusion, an extract from a recent speech of Lord Glenelg, who on the late occasion of introducing a Bill to amend the Abolition Act, spoke as follows:

"Nothing has produced a greater impression upon the people of this country than the application of the lash. It is a system degrading in every respect; it is a system so horrible, that if they abolished slavery, and yet left the power of continuing the lash for apprenticeship offences in a single case, they still left such, the actual victims of slavery. The Act of Abolition, forbade females being lashed for apprenticeship offences. That provision, I regret to tell your lordships, has been set at defiance; it has been scorned and contemned by the injustice and the revenge of the former masters of those unhappy slaves. The ingenuity of man has been exercised for the purpose of inflicting tortures upon his fellow-creatures. And who do your lordships suppose, have been selected for the purpose of inflicting cruelty in the Houses of Correction? Why, the class of men selected, were the very class, that ought not to have been chosen,—they were Convicts for life,—men dead to all sense of honour, of feeling, and of humanity: these were the men, who did not refuse to apply the lash to females, who have entered into a vile combination with their employers, to glut the evil passions of both. They who indulged the aspirations of vengeance, are men lost to all thoughts of happiness, of hope, and of respect for themselves. In spite of the law, females had the lash applied to them for apprenticeship offences. This is a stain upon the legislature. I admit it."—(Vide Report of Debate in Morning Chronicle of 21st July.)

A stain indeed it must be confessed to be, not only on the Colonial Legislature which connives at these horrid proceedings, but, upon the Imperial Parliament itself, and upon the people of Great Britain, who permit their continuance,—a stain, which nothing less than the total extinction of the accursed system which generates and encourages them, can ever wipe away.

APPENDIX M.

Compulsory Manumission, and the Constitution of Courts of Appraisement.

Chartered Colonies.

On this subject, it will be unnecessary to multiply proofs. The evidence respecting Jamaica will furnish a key to the practice of all other Colonies in which the Courts of Appraisement are similarly constituted.

The nature of the objections urged, against this branch of Colonial regulations, will be understood from the following extract from a despatch of Lord Glenelg to the Marquis of Sligo, dated the 11th July, 1836, (vide Parl. pap. part iii. (1.) p. 396.)

"The evil with which we have to deal, consists in this, that upon the present system, a preponderating authority is given in all valuations to gentlemen who, though uninterested in the particular appraisement, are yet so generally connected with property of the same kind, as to be exposed to a constant bias in favour of keeping up and increasing its exchangeable value. It is no injurious reflection on any man, to suppose him accessible to motives, of which our daily experience shows, that the influence is almost universal."

The importance of these objections, and the extent to which they apply, will be inferred from the following extracts from the same despatch:—

"I am not disposed, on the present occasion, to enter upon any minute discussion of the particular valuations which your Lordship has now reported, both because with reference to those cases no practical result could be attained, and also, because I do not think myself at liberty, except on the most conclusive evidence, to impugn the discretion and integrity of the gentlemen who acted on those occasions. Giving them the full benefit of those favourable presumptions to which they are entitled, I am not the less solicitous to direct your Lordship's attention to the general principles involved in these cases or suggested by them, because on looking back to the correspondence between your Lordship on the one hand, and myself and my predecessors in office on the other, I cannot but perceive, that in fulfilment of your apprehensions, a practice has to a certain extent prevailed, of which the tendency is silently to impair one of the essential enactments of the law for the abolition of slavery.

"Throughout the whole of the enclosures of that despatch, proofs are to be found, of the prevalence amongst some of the ordinary magistrates, of opinions and of feelings on this subject, of which I will only say, that they are incompatible with the proper and impartial discharge of the duty confided to them.

"It is, for example, disputed whether the two ordinary magistrates may not so entirely overrule the vote of the special justice upon the question of value, as to deprive him altogether of any influence in the ultimate decision. It is maintained, that if a valuation be once made, it is not only conclusive of the question of price at that time, but prevents the revival of that question at any future period. Some magistrates have thought themselves entitled to refuse any allowance whatever on the score of contingencies; in other words, they require that the apprentice should purchase his discharge precisely on the same terms as if the health and life of man, and his ability to labour, were not precarious and uncertain. Others again appear to have adopted the opinion, that in the anticipation of what they would regard as an unduly low valuation by the special justice, they were entitled to counteract any such error by assigning a price not corresponding with their own real estimate, but calculated, so as to bring out what they would esteem as a fair average.

"I need not pause to show, that the prevalence of such opinions as these, and of the practice in defence of which they are alleged, is entirely at variance with the design of parliament, and the spirit of the British Statute for the abolition of slavery. It appears to me (I beg respectfully to state) that there are sufficient data to form a just and equitable scale, by which apprenticed labourers, in possession of moderate means, might be enabled to purchase their freedom."

In the Report of the Committee on Negro Apprenticeship, the following notice appears of the objection now under consideration:

"With reference to this objection," (viz. the defective constitution of the tribunal for the valuation of apprentices applying to purchase their freedom,) "your Committee feel themselves bound to state, that a serious obstacle appears to have arisen to the fair and equitable operation of the process of compulsory manumission. It was clearly the intention of the British parliament, that the apprentice should by law enjoy the right of having his services appraised at a fair value, at which he should be enabled to purchase his own freedom; nor can your Committee suppose, that the intention of the Jamaica legislature differed in this respect from that of the British parliament. They find, however, that undue and excessive valuations are alleged, on official authority, in many instances to have occurred; and they cannot but attribute this evil, in a great measure, to the constitution of the tribunal to which the valuation is by law confided, and which appears to them, to give an undue preponderance to colonial magistrates.

* * * * *

"Your Committee find, that this subject has formed the topic of much correspondence between the Secretary of State and the governor of Jamaica, by whom it was brought at an early period under the consideration of the government. Instructions have consequently been at various times addressed to Lord Sligo, with a view to prevent the continuance of this evil; and he has recently been directed to suggest to the legislature of Jamaica, such an alteration of the law as is calculated to place the constitution of the tribunal upon a satisfactory footing. Your Committee cannot but express a confident hope, that the legislature of Jamaica will give a prompt attention to this recommendation, which your Committee conceive that they are bound by good faith and every consideration of justice to carry into full effect."

The extent to which the practical abuse of this inequitable mode of adjudication has been carried in Jamaica, will be further inferred from Lord Sligo's recent pamphlet, under the head of "valuations," in which his lordship thus observes:—

"The manner in which the valuation of such negroes as wish to free themselves from the obligation of the remaining term of the apprenticeship service is effected, has been from the beginning, a source of much uneasiness, as well to the negro who desires to acquire his freedom as to all persons possessing humane feeling, and desiring that the negro shall enjoy all the benefits intended for him by the British nation. Frequent representations have been made from various quarters, to the Home Government, on the subject, without, however, any satisfactory mode of overcoming the difficulty having been devised. The value of these services has increased enormously since the commencement of the apprenticeship, and if this were not the case, the valuations would bear even a worse character than they do at present. A very large gang of negroes was sold a short time before the 1st August, 1834, at an average of £20 currency each, to an eminent physician in the Colony, who had the sense to foresee the probabilities of tranquillity during the apprenticeship, and to know the advantage of accustoming these people to reside on his properties during that period. He bought other gangs, which it is not probable he got on such cheap terms as the one alluded to, but it is believed that they did not average £25 currency, per head: whereas now, the compensation for each negro in Jamaica averages £21 sterling, or something over £30 currency:—in fact, he bought every negro whom he had sufficient means to purchase; and the consequence is, that he not only realized the difference between these two sums, but also amassed so handsome a fortune, as to be enabled to retire from the practice of his profession, and with much liberality, to make to his partner a present of the share of his business, which would have sold for a considerable sum in the market. Now, the average price of 1000 apprentices, who had themselves valued, and who purchased their manumission, after their masters had received the amount of their compensation during the two first years of the emancipation, was £34 odd shillings each, currency: the average valuation of 668 others, who thought themselves valued at too high a price, and would not therefore purchase their freedom, amounted to about £47 odd shillings. The average value of the negro, can thereby be very nearly ascertained; and it will be found, that at the end of the second year, about £35 was the usual price for an able field negro. What injustice has therefore been done to those 668, who have given unanswerable

proof of the over-estimate by continuing to serve as apprentices? Had the sums named for them, been anything near the former average, numbers of them would at once have produced the money; though, it cannot be denied, that some did get themselves valued without having the means of paying the sum awarded.

"In recounting all these various causes for excessive valuation, it is with much regret, that one other is to be added,—the very extraordinary, and, it cannot be otherwise designated, the infamous evidence which has been given by some of the overseers and book-keepers. One instance has recently occurred. An overseer swore that a common field-negro was worth £40 a-year to the estate. In this case, however, the local and special justices remedied the evil, and showed their sense of the worth of the overseer's testimony, by fixing the negro's value at £14 a-year. But some magistrates think, that they must be guided solely by the evidence produced before them, and not by their own personal knowledge. After however, stating all these cases, I am bound to say there are exceptions; and that a great number of the valuations have been conducted on the most fair and equitable terms. Many abuses however have taken place, and their possibility ought to be removed by enactment."

On the importance of a fair administration of the compulsory manumission law, and the necessity of establishing a just principle of valuation, the following observations occur in the answer to question 25, before the Parliamentary Committee. Speaking of an ideal value "being added to the intrinsic value of the services appraised, such ideal value being estimated, not by the actual value of the slave alone, but by the additional loss inflicted upon slavery by the act of emancipation itself;" Mr. Jeremie, in assigning that objection to Dr. Madden who originally suggested it, thus remarks:—

"Now, I have ever considered that the great advantage of the system of apprenticeship arose from this, that by means of the principle of compulsory manumission, slavery would gradually merge into a state of freedom; that there would be no sudden change, and that, at the expiration of the term of the five years, or of any other given period, the apprenticeship would have disappeared of itself; principally so by means of arrangements between the proprietor and the negroes; but if a value of this kind is to be put upon the negro, a rule perfectly different from any which is adopted in any other case of appraisement, then, to that extent, the purpose of the legislature seems to be completely defeated."

In answer to the same question, Mr. Beldam, objecting to the Jamaica clauses, thus remarks:—

"I object to them, not only for the reason which has been assigned by my friend Mr. Jeremie, namely, the appointing two out of the three arbitrators from among the ordinary magistrates, whom we may therefore presume to have been interested in enhancing the price of the slaves to be manumitted, but because there is nothing inserted in the Jamaica clauses to direct the minds of the arbitrators or appraisers, as to the principle upon which the valuation should be made. Understanding, as I do, that there was a valuation made of slaves throughout the Colonies before the Act of Abolition came into operation, it appears to me, that that valuation ought to be applied to all purposes subsequent to its coming into operation; and, therefore, it should not be competent to any justice, to put any other valuation upon the negro to be manumitted under this clause, but what would be a proportion of the valuation so fixed by the Colonists themselves previous to the Act coming into operation."

On the inequitable principle of valuation commonly adopted in Jamaica, an able letter has been written by Mr. Special Justice Hill, (vide Parl. Pap. part iv. (1.) p. 341), upon which Lord Glenelg, in a despatch, dated the 2nd October, 1837, (vide Parl. Pap. part v. (1.) p. 279), remarks as follows:—

"Mr. Hill appears to me to have succeeded very well in proving the unfairness of the system against which he contends; but has not suggested any adequate remedy, nor defined with equal precision, the principle upon they ought to be conducted."

The precise amount of actual injustice inflicted throughout the Colonies under this defective and uncertain mode of valuation, can only be ascertained as intimated by Mr. Matthews in his evidence, (vide question 1177), by comparing the average value put upon slaves in each Colony by the Commissioners of Compensation, with the average values exacted in the various Colonies for different residues

of the apprenticeship term; but this calculation is not required for the present purpose, which aims only to establish the general fact of injustice under the present system.

On the subject of redress for this class of grievances, as recommended, but unhappily without effect, by the Parliamentary Committee, Lord Glenelg in his despatch of the 11th July, 1836, suggesting the adoption of a more impartial tribunal, thus observes:—

"The most obvious remedy for this evil, would be simply to transfer the arbitration on those questions to persons, to whom no sinister bias of any kind can be reasonably ascribed."

And Sir Lionel Smith, in his recent message to the Jamaica House of Assembly, which has been already quoted in the article on food, admitting the necessity of establishing a just basis of calculation, recommends as follows:—

"If your honourable House would adopt some equitable fixed principle for the valuing of apprentices, desirous of purchasing their discharge, either by ascertained rates of weekly labour, or by fixed sums, according to their trade or occupation, which should not be exceeded, and allowing the deduction of one-third from the extreme value, for the contingencies of maintenance, clothing, medical aid, risks of life, and health, it would greatly tend to set at rest, one cause of constant disappointment. In proportion as the term of apprenticeship draws to a close, the demands for the sale of services have greatly increased."

It is a matter of deep concern, that the recommendations of the Committee of the British House of Commons, and the entreaties and remonstrances of the Colonial Secretary and the Governor have all alike failed, in persuading the Jamaica House of Assembly to concede this essential point of justice: while, at the same time, the advocates of the planters with admirable inconsistency exclaim against the injustice of all attempts to put an end to a contract, the terms of which, it is sufficiently clear, are intended by them to be observed by the suffering party alone.

Crown Colonies.

The method of Appraisement in the Crown Colonies is admitted by the Anti-Slavery Statement to be more equitable than in the Chartered Colonies. Yet, even in the Crown Colonies, the want of an equitable basis of valuation has been productive of gross injustice. The example of British Guiana will suffice to prove this fact.

In a despatch from Sir J. C. Smyth to Lord Glenelg, dated the 13th November, 1835, that Governor, in proposing various amendments in the Apprenticeship Ordinance of that Colony, observes as follows, (vide Parl. Papers, part iii. (2.) p. 99.)

"The next error in the Ordinance (No. 43), to which I have to solicit your lordship's attention, is the omission of any rules for the guidance of the appraisers, who (under the 6th section of the 7th chapter of the said Ordinance) are to value the remaining services of any apprenticed labourer who may be desirous of purchasing his immediate emancipation The appraisers for want of some such guide to refer to, have hitherto valued the services of the apprenticed labourers at so high a rate, as to cause serious inconvenience and discontent amongst such of the labouring class as have been able to save a little money, as eventually to deter many from purchasing their freedom, who, at a more moderate price, would gladly have availed themselves of this method of procuring immediate emancipation."

He then recommends the adoption of certain scales of valuation, founded on the average value of the negroes, previously to the Abolition of Slavery, and thus concludes:—

"I do not think there would be any practical difficulty in constructing the scales I have proposed; and if, without too strictly limiting the appraisers, they were furnished, by the authority of an Order in Council, with a maximum and minimum, to assist their judgments, such a measure would not only be a great boon to the apprenticed labourers, but it would be a wise and politic measure. The greater the number of apprenticed labourers, who may gradually obtain their freedom before the 1st of August, 1840, the less will be the extent of the political shock which, when that period arrives, must more or less be expected."

It appears from a despatch of Lord Glenelg to Sir J. C. Smyth, dated the 22nd

January, 1836, that his lordship entertained considerable doubts of the feasibility of the plan thus suggested by Sir J. C. Smyth; but the mischievous operation of the existing law was not disputed, nor the necessity of interposing some check to it. As a partial remedy to these abuses, the publication of monthly returns of these valuations, has since been accordingly adopted, and, to a certain extent, it has undoubtedly proved useful. The necessity, however, of a more stringent and complete remedy, for the acknowledged abuses, is daily becoming more obvious and imperative.

APPENDIX N.

The Powers and the Protection of Special Magistrates.

The charge brought against the Apprenticeship System under this head, is, that an adequate amount of protection on the one hand, and of control on the other, has not been provided by the Colonial Legislatures. In confirmation of this objection, it would not be difficult to multiply proofs to an almost indefinite extent; but the variety of the official statements already published, the conclusiveness of the Report on Negro Apprenticeship, and the ampleness of the admission made by Lord Glenelg in his late speech, on moving the second reading of the Bill to amend the Abolition Act, appear to render this labour comparatively unnecessary. It seems, indeed, impossible to deny, that the main current of public opinion and of feeling in Jamaica (and the same prejudices prevail in other Colonies) has been decidedly adverse to the fair and efficient discharge of the duties of the special magistracy,—while the choice of Special Magistrates from various classes, grades, and professions, without sufficient regard to their fitness for office, or sufficient care for their personal independence, has materially impaired their general utility.

It will suffice, therefore, to select a few points of evidence in further illustration of this charge, and to refer to official documents for the remainder.

The evidence on this subject, contained in the Parliamentary Report on Negro Apprenticeship, is very important. On reference to this volume, it will appear that the opinions of the different witnesses, as to the defectiveness of this part of the system, were almost unanimous.

Mr. Jeremie makes the following remarks on sec. 49 of the Jamaica Abolition Act, (vide Appendix to Parliamentary Report, p. 4.)

"It establishes the jurisdiction of the special magistrate over the manager; his authority over the labourer extends to six months' imprisonment, to fifty stripes, to the right of depriving him of fifteen hours' labour in any week during the whole period of the apprenticeship, and even of indefinitely prolonging that apprenticeship; but his authority over the manager, extends only to a penalty of £5, or five days' imprisonment, which he is not required, but merely empowered to inflict. Is there anything like even-handed justice in this? But the labourer, it is said, has his remedy by an action at common law; where is the negro to find the means? And, even if these are found would the violence of Colonial prejudice allow him anything like a fair chance of success? Reparation, therefore, for any act of cruelty, however gross or wanton, seems almost out of the question, and the only check provided by this Act, is a fine of £5, payable into the public chest, which fine being inflicted, the labourer returns again into the hands of the same manager. Here assuredly might have been introduced the well-known provision of the Foreign Slave Code, that managers convicted of cruelty should be declared unfit to exercise authority over any labourer within the precincts of the Colony. And here also, if there were danger in extending the authority of a single special magistrate over free persons, it might have been enacted, that courts of quarter sessions, composed of two or more special magistrates, should be holden occasionally when offences of a graver nature, and entailing heavier penalties, might have been finally heard and determined. Unfortunately, nothing of this kind has been done, and the influence hitherto exercised by the Colonists

over the special magistracy, a very large proportion of whom have been persons interested in slave property, leaves but little hope of justice or mercy, being shown to the negro."

The opinion of Mr. Jeremie on the protection afforded to special magistrates in Jamaica, appears in his answer to question 196, as follows:—

"Do you consider that protection, as a sufficient protection in ordinary cases, where special magistrates have actions brought against them for acts done in the discharge of their duty?—he answers—"I am perfectly satisfied with these clauses as far as they go, though I believe objections have been raised to them, and I think the special magistrates will never be completely protected, so long as they remain liable to an action at all, before a Jamaica jury and a Jamaica bench."

And this opinion was subsequently confirmed by his legal coadjutors, Mr. Beldam and Mr. Matthews.

To the same effect, is the evidence of Dr. Madden, who, in his answer to question 453, gives the following melancholy picture of the defenceless condition of Special Magistrates and Negroes, under the present system.

"So far," he says, "from 'the amended law' being sufficient for the protection of the Negro, the Special Justice will hardly find the power of the executive (with every disposition to support him) strong enough to protect himself."—"As to the protection of the higher courts,—to glance at their constitution is at once to see their inadequacy to the protection of the negroes. (I speak of the Quarter Sessions Courts.) Who are the judges?—the store-keepers and planters, who possess most political influence to procure their recommendation from the Custos to the Governor. Legal knowledge is not requisite; the principles and the precedents of common law, they receive from the Clerks of the Peace, as emergencies require. Two of them preside as assistants in the Supreme Court even in the towns of their own residence, where a case cannot come before them in which they are not directly or indirectly influenced. Their salaries are £700 a year currency! This evil of putting men ignorant of law in the highest legal offices is the greatest impediment to justice I know of in the colonies. The next in degree, is that of selecting men for jurors, whose animosities and prejudices with regard to the negroes are so much a part and parcel of an overseer's creed, that impartiality cannot be expected. Yet the juries in the Quarter Sessions Courts, and very often in the Grand Court, are composed of Bushas, while the prisoners are negroes, and the very names cannot come in contact without suggesting ideas of mutual animosities. The effects of these evils in the courts of justice in Jamaica, I observed for upwards of one year in that island, and my impression is, that they have increased in mischief very much of late." * * *

On the subject of a bias existing in the minds of special magistrates, unfavourable to the interests of the negroes, Dr. Madden, in answer to question 995, observes, "I do not think it is a difference of classes merely, but a difference of castes, on account of complexional distinctions which makes the difference."

The same witness, having adverted to the intimacy existing between the special magistrates and the gentlemen of the country, and the unpleasant consequences to the special magistrates of exciting the displeasure of the planters,—on being further asked in question 998, "Then are you to be understood, that the great difference, between the negro in a state of slavery and apprenticeship, will be found in the integrity and impartiality of the special magistrate?"—he replies—"It all depends upon that." "The special magistrate," he observes, in answer to question 999, "is the great hinge upon which it all turns."

The evidence of Mr. Beaumont, a late member of the Jamaica House of Assembly, is very explicit upon this subject; and the opinion of this gentleman, after making due allowance for his conversion from the pro-slavery cause, seems to be entitled to additional credit, in proportion as the practical operation of the apprenticeship system, becomes more fully understood.

On the subject of the selection of persons to fulfil these important duties, he remarks as follows, in answer to question 3990:—

"The special magistrate imported from Britain is then incompetent to perform his duty, because he cannot understand the suitors in his court; then if the special magistrates are chosen in the colony, the case is about as bad, if not worse; very few men would accept the stipend who are fit to hold the office; the consequence is, that at the present moment I perceive in the list of special magistrates, a consider-

able number of men to whom such enormous powers as are vested in the special magistrates under the statute of emancipation, ought not to be entrusted for one minute."

On the dependent condition of the stipendary magistrate, the same witness, in answer to question 3993, thus remarks:—

"Society and its relations in Jamaica are very differently constituted from what they are in this country. A special magistrate there, is dependent upon the overseer in the vicinity of the property in which he resides, for all the comforts, and in many instances, for the absolute necessaries of life. If, for instance, a special magistrate is sent for to any estate several miles from the town where the special magistrate resides, on his arrival at the estate where he is to adjudicate between the parties, manager and slave, he is indebted to the overseer, one of these parties, for the refreshment he receives; for there are few inns in that part of the world; he is indebted to him for corn for his horse, (for every man uses his own horse, there being no stage-coaches,) and for every comfort he receives; and it is in the power of the overseer to make him excessively uncomfortable. But the fact is, that they do make the special magistrate very comfortable, and to all intents and purposes, the special magistrate soon becomes in his feelings and opinions a planter. I have heard overseers say, they like the new system well, because under the old system they had the responsibility of flogging; but that it is much better now, 'for instead of a black driver,' as one of them said, 'we have got a white one, and he answers the purpose quite as well.'"

In answer to question 3994, he again remarks as follows:—

The special magistrate is supposed to act as the protector of the negro under this Act, but when a special magistrate becomes perfectly identified, as in most instances is the case, with the planter, and when, as you must observe is frequently the case, they are in the habit of making him presents of pieces of plate, the arrangement must be a very one-sided one, because the negro himself is very ignorant of what his rights are; the special magistrate alone can explain them to him, and if that special magistrate is identified with the planter, then the interests of the negro must be sacrificed, and I believe, that to have been the case in almost all the arrangements that I have heard have been made."

The following questions and replies will further illustrate Mr. Beaumont's opinion of the situation and character of Special Magistrates in Jamaica:—

(3995.) "Do you conceive the evils that you have attributed to the system of special magistrates, to belong necessarily to any scheme of apprenticeship, or that a scheme of apprenticeship could have been devised, which would have worked better with regard to the special magistrates?—I do not think that any scheme of apprenticeship could have been devised, which would not have been subject to the same objections. Had a system of entire freedom been adopted, the negroes would have instantly come under the protection of the common law of England, which is the common law of Jamaica, and the Acts of the Jamaica Assembly. Some difficulty has been started, I believe, about a provision for the poor, but that difficulty would not exist in Jamaica, because there is an act in the island, imposing a poor-rate, by which all persons who are free and unable to work are supported; it was an Act passed by the early colonists in the reign of Charles the Second.

(3996.) "Are you therefore of opinion, that as long as the system of apprenticeship is maintained, no remedy to the evils which you attribute to it, could be provided by the British Legislature?—I do not think there can; you will observe, that the Emancipation Act, gives almost despotic power to the special magistrate over the slave. There is only one thing that can check the tyranny of a special magistrate conjoined with that of an overseer, and that would be public opinion; but public opinion in the island of Jamaica is peculiarly adverse to the slave, because no man can defend the interests of the slaves there, without subjecting himself to entire ruin. Indeed he cannot live in the Colony, if he does.

(3997.) "Do you mean to give it as your deliberate opinion to the Committee, that the great majority of the gentlemen who have been appointed special magistrates in Jamaica, have betrayed the trust reposed in them, in order to conciliate those little acts of kindness and favour, which you represent to have been shown to them by the overseers?—I do; and I believe this, that it is impossible for any man, however pure and virtuous he may be, leaving this country to go to Jamaica, and perform these duties of special magistrate there for twelve months, without suffering

one of these two things, either becoming to all intents and purposes in his feelings a planter, or else quarrelling with the planters.

(3998.) "Your practical experience extended to about nine months of the apprenticeship?—I left in May 1835.

(3999.) "Were you personally acquainted with many of the special magistrates, who administered the apprentice law during the first few months of the apprenticeship?—I was.

(4000.) "And the statement you have made, as to the great majority of those special magistrates having betrayed their trust, applies to those magistrates who were then in Jamaica, and with respect to whom, you had means of personal observation?—It applies not only to them, but it applies to those subsequent; I form my opinion partly from observation, and partly from the correspondence I have had with disinterested parties upon the subject before and since I left Jamaica.

(4001.) "Does that apply equally to those of whom you had personal observation, and to those with respect to whom you received letters since?—Of course, my own knowledge of what I had seen and heard myself, would be better evidence, but I believe, that since I left the island, the conduct of the special magistrates has been worse than it was before.

(4002.) "Have you attentively read the report by the special magistrates to Lord Sligo, transmitted by Lord Sligo to the Government at home, and presented to Parliament in the course of last Session?—I have looked over it.

(4003.) "Do you conceive, that the spirit manifested in those reports corresponds with the description you have given of the character of the greatmass of the special magistrates?—I know enough of the mode of making up returns in the island of Jamaica, to place very little reliance upon any such returns.

(4004.) "Do you believe, that those reports of the Special Magistrates are purposely falsified, to produce a wrong impression of the character and spirit which actuated the writers?—I cannot state the reason which may actuate them, but I have said, that I know enough of the mode in which returns are made up in the island of Jamaica, to place very little reliance upon any Jamaica returns.

(4005.) "Do you believe that the sentiments expressed, as well as the facts stated in those reports, give a false representation of the spirit, which actuated the magistrates, or of the facts which came under their observation?—They may, or they may not; but I should place very little belief in them.

(4010.) "Are you able to state the names of any other Special Magistrates that received pieces of plate?—I think there are five that have received pieces of plate; I am not positive as to the number; there are several, however.

On the subject of severity in the discharge of Magisterial duties, Mr. Beaumont again replies as follows.

(4037) "With respect to flogging, you have stated that you believe the amount of flogging to be equal during the apprenticeship to what it was under slavery; upon what is that belief founded?—The mode in which I arrive at that impression must be a very vague one, because it was difficult at any time to ascertain the number of lashes given during the time of slavery, but when I have been riding through the country, I have spoken to the negroes on the way-side, and I found that the impression upon their mind, and I believe they were speaking the truth, was, that the special magistrate flogged more, in many instances, than had been done before.

(4088) "Are the Committee to understand from what you have stated, that you consider that the magistrates, the longer they have remained, have become more hostile to the negroes, and more severe in their conduct towards them?—I stated, that I believed they were more hostile to them.

(4089) "Upon what does that opinion rest?—Because whenever I have seen the magistrates adjudicating, it appeared to me, that they decided against the slave, when I thought that the slave was right, and they endeavoured by all possible means to prevent complaints from being made to them.

(4090) "Can you compare the conduct of the special magistrates at one period of the apprenticeship, with their conduct at another period of the apprenticeship, and can you, upon that comparison, state any facts which justify the belief, that they became more and more hostile the longer they remained in the colony?—

From August to October in the year 1834, there were many complaints made by the negroes to the special magistrates. Subsequently to that period, the number of complaints very much diminished, as the confidence of the negroes in the magistrates diminished, and I believe that the adjudication of the special magistrates, has been more seldom called in, excepting in cases, where the overseer or manager applied for his interposition. The negroes would submit to a greater number of privations, they would do a greater quantity of labour, and be more obedient to the special magistrates, than they would be before they saw it was of no use to appeal to them. When I saw special magistrates receiving favours from managers, I believed the negroes when they said, they had no confidence in them. The consequence would be, that as they were more submissive after October 1834, than they were before, there would not be so much occasion to flog them.

(4091) "Then you state this, as the fact upon which your opinion is founded, that complaints diminished?—Yes, I believe this. I pay no regard to returns.

(4092) "And upon that fact, you found the opinion, that they became more hostile to the negroes?—Yes; I know that the planters express themselves much better satisfied with the working of the system, and are generally good friends to the special magistrates."

Capt. Oldrey, late a Special Justice in Jamaica, in a Document laid before the Parliamentary Committee (vide Appendix to Report p 251) in speaking of the 19th Clause of the Jamaica Abolition Act says:—

"It is absolutely necessary, that a proviso should be made to this clause, to give adequate protection to the special magistrate in the execution of his office; not one clause is there, to protect him from insult or opposition, in his administration of the law."

On the subject of persecutions to which Special Magistrates are exposed; the following questions and answers occur in the evidence of Capt. Oldrey.

(2867.) "What were the circumstances which led to your resignation?—I found the duties too onerous, that was one reason. Secondly. the salary was not equal to the expense that was entailed upon me, even for travelling expenses. The third, ill health; and the fourth, from the persecution that I met with.

(2868.) "Was that persecution from the planters, or from the Governor?—From the planters.

(2871.) "What were the circumstances that you allude to, when you say that you were exposed to persecution?—Several actions were commenced by Mr. Mason against me for trespass, that trespass arose from my having issued a summons or summonses, for his apprentices to appear before a court that was ordered by the Governor, and further, in consequence of my having brought his conduct before the public tribunals.

(2872.) "Proceed, if you please, to state the circumstances which led to your resignation, as to the circumstances of persecution to which you have been exposed?—Mr. Mason commenced various actions against me; fourteen I was threatened with at first, which, I believe, were condensed ultimately into three; one for 2,000*l.*, a second for 2,000*l.*, a third for 5,000*l.* currency, all for alleged injuries that he sustained by that trespass.

(2964.) "Have you any reason to believe, that the planters clubbed towards the prosecuting of you by Mr. Mason?—Mr. Mason is a very rich man; I should not think, myself, that he stood in need of it, but I only mention the report that I have heard.

(2965.) "Did you hear that in a shape that led you believe it?—I heard that the pro-slavery party had joined together to prosecute me, if they could find me "tripping," and I firmly believe it.

(2969.) "Do you conceive that the parties who oppose the apprenticeship system constitute a large proportion of the present body in Jamaica?—I am sorry to say that they do, but there are a great number, and I am happy to bear this testimony, whose feelings are as kind and as humane as any honourable member present; but I am sorry to say the majority, if I give it as my opinion, so far as I know, and as far as my experience can judge, are opposed to the present system.

(3160.) "Would it be disagreeable to you to name individuals, who you think are actuated by those motives?—I have given a very general scope, the majority of the House of Assembly, the majority of the white population, the majority of the planters and the press."

And the same witness, after stating that a report prevailed in Jamaica of cruelties having been practised by the Special Magistrates,—on being asked, in question (5659.) "If that report was true, that for a considerable period of time, cruelties were exercised in any district, with the connivance of the Special Magistrate, do you, with that fact before you, believe that the Governor can acquire such a knowledge of the conduct of the Special Magistrate, as will enable him immediately to check him, provided that is unduly severe?—he replies, and the answer has been fully verified by subsequent circumstances,—"I have already stated, that if a special magistrate could be found to be so severe and so unjust, I should think he would be fully capable of concealing it from the Governor."

Sir George Grey on being asked (vide question 5624) whether he considered, that measures were taken adequate to afford protection to the Special Magistrates, admitted, that those Magistrates were liable to vexatious persecutions, and that the law as it then stood, did not adequately protect them from such persecutions, and on being further asked (question 5628) whether he entertained any distrust of justice being obtained in the Courts of the West Indies, on questions affecting persons of different colours, he replied:—

"If the question applies to the West Indies generally, I would rather refer to what has been stated in the course of the present Session in both Houses of Parliament, with reference to the Bill 'For the better Administration of Justice in the West Indies.' That Bill does not apply to Jamaica, but the objections which are very forcibly stated in the Report of the Commissioners of Legal Inquiry, and on which that Bill was founded, apply to Jamaica, though I think less strongly to Jamaica, than they do to some of the other Colonies, because there is a Chief Justice, and an Attorney-general in Jamaica, taken from the bar in this country. But looking at the state of colonial society generally, as affected by the long continuance of slavery in the West Indies, there is much reason to distrust the impartiality of juries as at present constituted; not that I mean to imply, that they are guilty of a deliberate violation of their oath as jurymen, but it is the case in this country and everywhere else, that persons are liable insensibly to be affected by influences which ought not to find their way into a jury box; and the greater the division of one class of society from another, the greater distrust I should entertain of the decisions of juries constituted from one class of society only.

On being asked again, in question, (5636.) "Are you aware that it appears by a paper which has been presented to Government, as to the number of punishments inflicted, that the punishments seemed to be not upon the decrease, but upon the advance?—Sir George Grey gives the following explanation of that suspicious circumstance;—

"If the question refers to punishments generally, and not to corporal punishments, I believe it does appear from the returns, that the punishments of the first year, or a portion of the first year, were not equal in amount to the punishments of the corresponding period of the second year; but, so far as corporal punishment is concerned, it was very considerably diminished; and, from returns subsequently received, it appears, that that diminution is going on progressively; and it also appears, from recent returns, that the whole number of punishments inflicted, is much upon the decrease. I should account for the former increase in the aggregate number of punishments, to a certain degree, by the fact, that the number of special magistrates in Jamaica was very inadequate indeed when first the system came into operation, and that consequently, a great number of complaints were not brought before them. It was found necessary to double the number of special magistrates for Jamaica; consequently, the number of punishments probably increased from there being more cases brought before them for adjudication."

Unsatisfactory as this opinion must now be considered, it will be proper, in connexion with this subject, to explain a passage which appears in page 27 of the Anti-Slavery Statement, in which it is alleged, that "in the limited period of twenty-two months, nearly one in four, of the whole labouring population of the West Indies have been punished,"—the meaning of which expression would be better conveyed by stating, that the number of the punishments inflicted, and not the number of persons actually punished during this period, appears to be in the proportion therein mentioned.

On the want of adequate protection to the Special Magistrates against vexatious prosecutions, the Parliamentary Committee reported as follows, viz.:—

"To the principle involved in this objection, your Committee attach the utmost importance. They are of opinion, that the beneficial working of the present system, and the full protection of the rights of the apprentices, depend even more upon the administration of the law, than on the provisions of the law itself. They consider it of the greatest consequence, that the independence of the Special Magistrates in the discharge of their duty, should be effectually maintained; and that while they are subject to a vigilant superintendence on the part of the executive government, they should not be exposed to any well-founded apprehension of a want of due protection, against vexatious prosecutions.

"Two cases have been stated to your Committee, in which actions of trespass have been brought against Special Magistrates for acts performed in their magisterial capacity, and damages were obtained, which, together with the costs of the action, it would be altogether beyond the means of the defendants to defray. In each case, a new trial was expected to take place, and the final decision is not yet ascertained.

"Your Committee deem it right to observe, that by an act passed in Jamaica, in 1834, usually termed the Act in Aid, a protection which was not comprised in the original act, was afforded to the magistrates. This act expired at the end of the year 1835, but has been subsequently re-enacted for a period co-extensive with the apprenticeship. The actions referred to, were both tried during the interval when this act was not in force, and its re-enactment may render it improbable that actions of a similar nature will hereafter be brought.

"Your Committee have ascertained the intentions of the government in both of these cases, in the event of the verdicts being ultimately sustained; the result will be, the effectual protection of the individual defendants from eventual loss; but should there be any repetition of actions against Special Magistrates, not appearing to rest on a solid foundation, your Committee cannot think that the evil would be fully met by any thing short of some legislative enactment, which would secure any Special Magistrate, acting *bonâ fide* in the discharge of his duty, from harassing and vexatious prosecutions. The governor of Jamaica has been directed to bring this subject also under the consideration of the legislature; and your Committee abstain from any more specific recommendation on this point, in the hope that the measures already taken for checking the evil, may prove adequate to the attainment of the object."

On turning from the Report of the Committee on Negro Apprenticeship, to the numerous volumes of Parliamentary Papers on the same subject, abundant illustrations will be found of the difficulties and persecutions to which an upright Magistrate is exposed in the discharge of his official duties, and of the tacit encouragement which has been given to these practices (in Jamaica) by the local legislature. The extent of opposition to which these gentlemen have been exposed, may be inferred from the extraordinary fact, that in a Despatch from the Marquis of Sligo, dated 29th June 1836, (Vide Parl. Papers part 4—1. p. 51.) his lordship, complaining of the effects of the trial of *Mason* v. *Oldrey*, which had led to a refusal on the part of many Owners and Proprietors, to allow the Special Magistrates either to visit the Gangs, or the Estate Hospitals, seriously recommends to Lord Glenelg, that with a view to allay irritation, the Special Magistrates should be gradually withdrawn from the Estates;—and Lord Glenelg in his reply dated 30th August 1836 (vide ibid p. 53) entertaining a natural distrust of the remedy proposed, nevertheless concedes to Lord Sligo, a cautious permission to make a partial experiment of it. When we find indeed, that the unrestricted right of Special Justices to visit the Estates for official purposes, has been denied even by a Grand Jury (vide ibid, p. 90)—that systematic attempts have been made to resist the authority of Special Justices by local functionaries (vide ibid, p. 123, 125)—that the official endeavours of Special Magistrates to obtain justice for injured Apprentices have been presented as a nuisance, and the Magistrates loaded with invective and abuse (vide ibid, p. 134)—that the prosecution of Special Magistrates for official Acts, has been voted at the public expense;—that upright Magistrates are exposed to the most brutal assaults in the discharge of their official functions; (vide ibid, p. 170) and that the most ruinous actions are brought against them, as in the case amongst others, of Capt. Oldrey, (vide Appendix to the Report on Negro Apprenticeship, p. 237, *et seq.*) When we find, on the other hand, from the Report and Evidence of the Commissioners appointed to investigate the case of the apprentice "Williams," as

well as from other official sources, that scandalous abuses of magisterial authority, not only may be, but actually have been long practiced with impunity in Jamaica, notwithstanding the vigilance of the Governors who have presided over that Colony. And finally, when we discover that the efforts of the Governor to obtain additional protection for Special Magistrates from the Jamaica House of Assembly, have not only been totally disregarded, but treated with contempt and ridicule, (vide Parl. Papers, part iv. (I.) p. 48) it will scarcely be pretended, that the concurrent testimony of the parliamentary witnesses above cited, as to the extreme defectiveness of this part of the apprenticeship system is unworthy of credit, or that the apprehensions of the Anti-Slavery Committee, as expressed in their recent Statement, have been at all exaggerated.

Before quitting this subject, a single observation must be added respecting the case of Dr. Palmer, to which allusion is made in the Anti-Slavery statement.

A Commission, consisting of two local and two special justices, having been appointed by Sir Lionel Smith, to inquire into the conduct of this gentleman in his office of special magistrate, made a report on the 22nd October, 1836, of which the concluding passage is as follows:—

"Having been called upon to report, and give an opinion on the administration of the law by the Special Justices of Saint-Thomas-in-the-Vale, we must observe, that we consider Special Justice Palmer has administered the Abolition Law in the spirit of the English Abolition Act; that in his administration of the law, he has adapted it rather to the comprehension of freemen, than to the understanding of apprenticed labourers; and, that the present state of Saint-Thomas-in-the-Vale is to be attributed to such a mode of administration of the Abolition Law."

It is unnecessary to enter into the merits of this report, which Lord Glenelg conceives to affix no stigma on the purity of Dr. Palmer's motives, nor any imputation on his character; but it certainly becomes a fit subject for consideration, as to how far the Special Justices who assisted in passing this indirect and extraordinary censure upon a brother magistrate, are themselves, competent to execute the responsible duties attached to the judicial office in Jamaica.

The opinions of Lord Sligo, as published in his lordship's recent pamphlet entitled, "Jamaica under the Apprenticeship System," have been already referred to, in confirmation of other official testimony, and they may be again employed for the same purpose on the subject of Special Magistrates. In his chapter on "Special Justices and their protection," his Lordship makes the following important corroborative remarks:—

"On the exertions of these Special Magistrates, depends the whole success of the apprenticeship system. Without their aid, it would have been totally impracticable to administer the law in any thing like its original and intended character. A very superficial examination, however, into the proceedings of that body, during the past three years in Jamaica, will show how inadequate it is, to its duties, without some efficient protection and support, during the remaining term of the apprenticeship.

"During the first two years of the apprenticeship," his Lordship further observes, "more than twenty special justices fell victims to the climate and to their own exertions, and many more resigned, from finding that the emolument was not sufficient for their support; or sickened by the opposition they met with from the planters; or in consequence of their bodily strength being unequal to the severe labour imposed on them."

With regard to the physical labour of these gentlemen, it may be observed, that no doubt appears to have been ever entertained. Indeed, the amount of punishments inflicted by them, is sufficient proof of their efficiency in the coercive department of their duty. The only question is, under what influence this extraordinary activity has been hitherto exerted.

In reference to this question, the facts already proved before the Parliamentary Committee, are incidentally corroborated by the testimony of Lord Sligo. On the subject of slavery, his Lordship observes:—

"It may probably have been imagined, that their pay was amply sufficient to remunerate them for discharging such severe and harassing duties. The very reverse is the fact; their salary at first, was only 300*l.* a-year, but was subsequently increased to 450*l.* That sum, however, proved quite insufficient to meet their necessities. By those who possess a knowledge of expenses in Jamaica, from having resided any time in the island, it would, without any hesitation, be fixed at

a much higher sum—not less than 700*l.* a-year. The Stipendiaries are compelled on this account, as well as in consequence of the scarcity of Inns, to have recourse to the hospitality, so proverbial in Jamaica, of the planters; and then it is difficult for him to do his duty honestly in a house, where he has been received with kindness."

On the detestation in which the Special Magistrates are held by the planters, his Lordship again remarks as follows:—"Unless a magistrate be a notorious partizan of the planter, nothing is too bad for him: whereas, for those who are called 'Busha Magistrates,' that is, under the influence of the overseers, nothing is too good. Two magistrates have been dismissed, both of them accused of an improper administration of the Abolition Law: for both of these, a subscription was immediately and liberally entered into: to one, a present of plate was made, and the other, received the amount of the subscription in money. Had they not been dismissed, no such project would have been entertained. In the case of one of these gentlemen, who was dismissed only a short time since, there is some peculiarity; which as it affects more especially the Grand Juries of Jamaica, may not be, perhaps, quite properly introduced here. It must, however, be mentioned. The offence was, the having sanctioned a punishment inflicted by an overseer, without any legal authority, (and therefore highly illegal) on an apprentice. The overseer did not deny the fact;—the magistrate acknowledged his share in the transaction,—and, yet notwithstanding, the Grand Jury, in a presentment to the Judges, denounced the conduct of the British Government as a cruel persecution. The result was, that the dismissed magistrate received, as a compensation, a sum of money, which was raised by a subscription amongst the planters of the district previously in his discharge. The persecutions, on the other hand, with which the planters visited those who shewed a leaning to the side of the negroes, prove the disposition which exists, to take advantage, if possible, of any mistake which the special justices may happen to make, with the best and most humane intentions. The cases of Bourne and Oldrey are remarkable instances of the feeling which prevailed throughout every part of these transactions. How are they protected in the execution of their duty, when these attacks are made on them? The third clause of the Report of the House of Commons Committee, represents 'the want of adequate protection to the special justices against vexatious prosecutions.' It evidently was the impression of the Committee, that the re-enactment of the Act in Aid, giving triple costs to the magistrates, would afford them sufficient support. Such is not the case, though that clause may in some degree produce caution in attacks upon these officers. In point of fact, however, this enactment is, for reasons given in a former chapter, quite inefficacious in the present state of the Bench and Petty Juries, as a solitary measure for their defence. The special justices, at that time about thirty in number, were described as 'the Thirty Tyrants,' in a letter which appeared in a public print, and was universally attributed to a very talented and leading character in the island, one of the party the most opposed to British influence. It was moreover stated in that letter, that the British Parliament had used its omnipotence to plunder and destroy the colony."

Another mode of annoyance to which the Special Magistrates are subjected, "owing to the detestation in which they are held, is that practised by the House of Assembly in summoning them from their duties in the country to attend Committees of the House, and detaining them for unreasonable periods at their own expense."

But the most successful contrivance for paralizing the efficiency of the Special Magistrates, appears from Lord Sligo's pamphlet, to have been more recently discovered, in the bringing of actions against them before the Courts of Quarter Sessions, where the local magistrates preside; and the Jury being composed of overseers and book-keepers, a verdict against the defendant follows as a matter of course. With reference to this practice, the following remarks are made:—

"This is part and parcel of the plan which has been so diligently, and so artfully followed up for the past year, in direct opposition to the Abolition Law, of taking as much power as possible from the special, and vesting it in the local magistrates. This scheme was first commenced in Lord Sligo's time, when, after passing a bill to give the special commission to all the local magistrates, which he at once rejected, an Address was presented to him from both branches of the Legislature, praying his consent to such a measure, and representing to him

that it was necessary for the safety and prosperity of the island. He again, of course, refused to accede to their wishes. They are now silently, but not unobserved, proceeding in the same manner, and if "this most cunning device' be not at once defeated by the acuteness of the Governor, the special justices must cease to struggle with the planters to carry into effect either the spirit, or the letter of the provisions of the Abolition Law."

The attempt in short were useless, to enumerate the endless varieties of annoyance and persecution, both personal and domestic, to which an upright Magistrate is exposed in a Colony, where an official endeavour to put down the atrocious abuses practiced in Houses of Correction, as already stated, has been voted a "public nuisance." The treatment of the respectable magistrate however, who on that occasion was so scandalously maligned, might, one would have thought, silenced the reproaches recently urged against certain philanthropists, who judiciously preferred appealing to British justice for the removal of these abuses, to the vain ceremony, of laying their complaints before the local Authorities, or bringing them again beneath the attention of a Colonial Legislature.

It will not escape observation, that the facts now cited, as justifying the Anti-Slavery Committee, in forming their opinion of the defective character of this most important part of the Colonial Regulations, have been chiefly derived from official Documents relating to Jamaica. To carry the same kind of proof, however, into other Colonies similarly situated, would needlessly prolong the inquiry.—Like causes, produce like effects, and the evidence already quoted, will be deemed by most persons, to be superfluous.—It is now proved beyond contradiction, that while the powers of the Special Magistrates throughout the Slave Colonies, have been made mighty for oppression, their protection has been systematically neglected,—that they are exposed alternately to the demoralizing influence of corruption and intimidation,—and that, to use the emphatic language of one of the witnesses, "nothing short of the virtue of Angels" could place them above the daily temptation to violate their duty. That various bright examples have, indeed occurred, of conscientious and self-denying perseverance in the discharge of such onerous and invidious duties, has never been denied.—But this by no means exempts an essentially defective and injurious system, from well sustained charges brought against it,—and it is with the system, rather than with individual conduct, that the Anti-Slavery Committee have waged an uncompromising warfare. Entertaining then, as they must ever do, the most unqualified detestation of the Apprenticeship System, to whatever management it may be entrusted; and, deeming it by no means entitled to any apologetic construction, they cannot, in conclusion, with a view to the various specific objections urged against it, appeal to more conclusive authority for their reality and importance, than to the candid admissions of Lord Glenelg himself, as they appear in those recent speeches, from which the following copious extracts are now made.

APPENDIX O.

Extract from the Speech of Lord Glenelg, Secretary of State for the Colonial Department, delivered in the House of Lords on Tuesday, the 20th February, 1838.

His lordship said, he would now proceed to a most important and interesting subject; namely the subject of apprenticeship in the West Indies. He did not know that it was necessary on this subject to trespass upon the attention of the house at any length; but the resolutions his noble and learned friend had placed on the table of the house obliged him to state generally what were the views of her Majesty's government respecting them, and also what were his views respecting the subject to which they related.

He certainly agreed with his noble and learned friend that it was not true that the state of apprenticeship was worse than the previous state of slavery. He agreed with his noble and learned friend that the apprentices had unquestionably been gainers by the change that had taken place in their situation. He believed

that that change had been much more advantageous than his noble and learned friend seemed to suppose, and that although there had been abuses and difficulties and although evils had arisen of a serious nature, still he thought that the negro population of the West Indies had been much improved by the change that had taken place in their condition. This, he believed, was in general the case with all the slaves.

"It had been generally observed by those who had visited the colonies since the Abolition Act came into force, that there had been a decided improvement in the manners and appearance of the negroes; and even in Jamaica, which was most obnoxious to the observations of his noble and learned friend, the report that had been laid on the table of the house, and observations of visitors, proved that a great advance for the better had taken place in the condition of the negroes. He had, perhaps, more opportunities than many of their lordships of inquiring on the subject: he had received reports from all parties and of all descriptions, and he was satisfied that there had been a great improvement in the character and demeanour of the negro population. But did he deny that any grievances were inflicted on the negro population? Did he say that his noble and learned friend had in any instance exaggerated his representations? No such thing. He was deeply grieved to admit that evils of a very serious nature did still prevail, and he regretted to say that those evils were still more deeply felt in Jamaica. It was no pleasing task to make this declaration. It was with the deepest pain he did so; and in the situation which he had the honour to hold, he should feel that he ought to avoid, if possible, making a declaration which his duty compelled him to make.

"The complaints respecting the state of the other colonies were not so numerous or considerable as those respecting Jamaica. He must allow, with respect to the latter colony, that many evils existed which might be made the grounds for claiming the abolition of the apprenticeship system. He was aware that the negro race had shown great patience, docility, and forbearance in the state of transition which they had undergone; he was aware that they had displayed much calmness, mingled with gratitude to the Supreme Being and to this country; he admitted also that the negro was willing to work for wages, although this point was disputed; but, in his opinion, all these did not furnish a sufficient reason for abolishing apprenticeship. What were the reasons for its establishment? They acknowledged the right of the slave to freedom, but they continued him in a state of apprenticeship, partly with reference to the interest of the apprentice, and partly with reference to the interest of the planter; for the interest of the apprentice, because he was not prepared for sudden freedom, and the interest of the planter required it in order that he might not suddenly be left deprived of all assistance in the cultivation of his estates.

"It was hoped and believed that the interval would be assiduously employed in allaying and reconciling former animosities, and in originating feelings of mutual kindness. These reasons still continue. It should also be recollected that for a period of six years the planter was assured, on the faith of Parliament, of the labour of the negroes on his estate. So long, therefore, as they secured to the apprentices that protection which was due to them, so long had they no right to call upon the planter to release his apprentices. But, independently of these considerations, he believed that the sudden emancipation of the negroes would be far from being of that advantage to the parties themselves which those who demanded it looked for. He believed that the very agitation of the subject would produce excitement, irritation, and disturbance throughout every district. It would lead to vain expectations on the one side, and it would keep up a spirit of animosity and antipathy on the other, and, in fine, it would revive all the elements of discord between the two parties.

"Such an experiment as that proposed by his noble and learned friend would, in his (Lord Glenelg's) opinion, be dangerous to the peace of the country; it would be dangerous to the proprietors of colonial property, and it would be dangerous to the very people whose interest his noble and learned friend was desirous to protect. He would ask was it true that the situation of the apprentices was in any way inferior to that of the slave? Many circumstances might be stated to prove the contrary, but he would not trespass with any long details; he must, however, allude to some of them. One of the great purposes of the abolition Act was to appoint magistrates especially to protect the slaves. Magistrates had been appointed, but how had they been received, and how had they executed

their duties? In many instances they had performed their duties; but in Jamaica, especially, the magistrates had been most improperly interfered with. A system of gradual annoyance had been practised, not of a nature to be openly and publicly noticed, but still quite sufficient to defeat the purpose for which they were appointed. Every advantage had been taken of technical distinctions of the law to interfere with the course of the magistracy, and to defeat the administration of justice.

"In order to ascertain the truth of the representations that had been made in this respect, her Majesty's government had sent Captain Pringle out to Jamaica to make inquiry. The report of Captain Pringle would be presented in April, and he thought this was a sufficient reason why at present they should pledge themselves to no specific measure on this subject. There were various circumstances which affected the situation of the negroes, and he must particularly allude to the hours of labour. In Jamaica this had given rise to great discontent. The eight-hour system, as it was called, acted very injuriously to the negro, for while the nine-hour system secured to the negro a holiday every Friday, the eight-hour system precluded him from that indulgence, and left him but the refuse of the day. Another subject of complaint, though it was not quite so clearly made out as the others, was that of manumission. In many cases it was found that the apprentices were over-rated. There were too, many other defects to be remedied, and yet it was very difficult to know how to deal with such a question.

"There was another subject upon which it was right to touch, and that was as to the classification of apprentices. Their lordships were aware, that by the Abolition Act, the apprentices were divided into different classes—the prædial and the non-prædial apprentices. The non-prædial apprenticeship was to continue until the 1st August, 1838, and the prædial apprenticeship until 1840. In several of the Colonies, it appeared that an incorrect arrangement had been made, and the slaves were thus injured. In Jamaica, there had been no classification law whatever passed until last year, and then it was of such a nature that he could not allow it to receive the sanction of the government of this country. Up, then, to this moment no classification law had passed. He could not doubt that it would be introduced; but, then, it was possible that the bill would not pass the House of Assembly in time to afford an opportunity to this country and the government to determine whether it ought to be sanctioned by them. The time was very near when the classification ought to be carried into effect, and when the emancipation of the non-prædial apprentices must take place. These, then, were evils which he assured their lordships had attracted the attention of the government; and the question was, whether an opportunity was to be afforded to the local assemblies to redress those evils. In his opinion, the true, the safest course was for the goverment to obtain, if possible, the correction of local abuses from the assemblies themselves. One of the great purposes of the Abolition Act was to conciliate the interests of both parties, and to promote that which it was of great importance to excite, kindly feelings—to permit that whatever kindness was to be shown to the apprentices should be shown to them by the local governments and the local assemblies, and by the masters and the planters themselves. He was sure that the conviction of the justice of this view would be the more deeply impressed upon their lordships' minds the more it was considered. He had always felt and considered that it would be most desirable to have this principle enforced, that the local assemblies should adopt every means of acting kindly towards the peasantry of those countries. He had incurred blame for not looking for other remedies when it was found that the local assemblies had failed. He had made every effort to correct the proceedings of local assemblies. The efforts of his noble friend near him (the Marquis of Sligo) had been made to correct the evils complained of. He had to observe, that one mode adopted of annoying the magistrates was by prosecutions and actions at law against them. If a magistrate were considered to act in a manner contrary to the interests of a particular planter, he was instantly threatened with a prosecution, and thus, by proceedings of this nature, men were deterred from the rigid and exact performance of their duty. Where magistrates had been so treated, and were condemned with costs, this country had indemnified such magistrates. Thus, these magistrates were not permitted to suffer any pecuniary loss. But what indemnity was this to such gentlemen for all the care, the trouble, the anxiety, and, it might be even added, the partial loss of character thus entailed upon them? They were held up as objects of odium to men of their own character and creed; the courts of justice

were closed against them, and the proprietors were triumphant. In this latter sense at least they could not be indemnified. Now, the assemblies had been called upon to redress these grievances. Another mode of annoyance adopted was, that where there was a very zealous magistrate he was summoned to the House of Assembly, and called upon to give evidence before a committee. Upon his arrival, the committee was not found sitting; he was thus then detained from his duties;—several weeks passed away; the committee never sat. This, then, was another mode of exposing a magistrate to vexation and contempt. His noble friend (the Marquis of Sligo) had appealed to the House of Assembly upon this and many other grievances. Sir Lionel Smith had sent a message to the House of Assembly, recommending to it the consideration of many such grievances. The message was sent on the 2nd of November; it was referred to a committee. The house sat until December, and then it adjourned at an unusual time, until February, and not a single topic recommended to its notice had been taken into consideration.

"Whatever pain he felt in alluding to these circumstances, he begged to say that the government was prepared to take measures to correct evils which were so glaring; and however reluctant he might have been to appeal to Parliament, or to recommend its interference with the local assemblies, yet he never disguised from any person, that cases might arise, in which the government would be bound to appeal to the Parliament of England from the local assemblies. Two years ago he had been obliged to introduce a bill, which ought to have been passed by the local assemblies. In the few observations that he had then made, he had stated, that the subject of slavery in all its parts, and that apprenticeships, were reserved as sacred for the cognizance of Parliament. He had stated that he relied on the local assemblies to carry the act into effect, but that Parliament would never permit the act to be defeated by the local assemblies. The act that he then introduced was, he believed passed without opposition. He had then repeatedly stated, that it was the intention of the government to appeal finally to Parliament. This too he had stated to parties who had addressed him, and recommended the immediate abolitition of apprenticeship, and who in addressing him, had referred to the grievances to which he had alluded. He had stated to them, that though the government would not recommend the immediate abolition, yet that it would have no hesitation, if it were necessary for it, to appeal to Parliament to redress the grievances of the apprenticeship population.

"Now it was necessary for him to say, that though they had nothing to hope for from the local assemblies of the colonies, yet he trusted they had every thing to hope for from Parliament. He intended to introduce a measure to meet the evils to which he had referred.

"With respect to the workhouse system, he had stated that Captain Pringle had been sent out for the purpose of reporting what measures were required, and what alterations ought to be made. Before they passed a law upon that measure it would be necessary for them to have the report before them; but supposing they had a law regulating the workhouse system, yet it was his opinion, that it ought not to be mixed up with the act relating only to apprentices; for a law relating to workhouses, must be a permanent measure, and therefore not connected with that which must be of a temporary nature. He should now propose a measure, which was intended to redress the grievances of apprentices; but with respect to the workhouse system, though the law regulating it was intended to be permanent, yet the apprentices would, between this and the intermediate time of their emancipation, have the advantage of the protection of inspectors, and the means secured to them, for the redress of any wrong done to them. He should propose, that all the places in which apprentices were employed, all places which were intended for the purpose of concealment, should be laid open—that the work-houses, the houses of correction, 'the hot-houses,' as they were called, should be laid open—the act should give to the magistrates, the right to inspect all such places. It was further intended to be proposed, that the governor should be authorised to declare by proclamation the arrangement of the hours for the employment of the apprentices, and in such manner as he should think proper. With respect to the allowances and the indulgences that were permitted in a state of slavery, but denied to them as apprentices, the governor was to enforce the concession of these indulgences.

"Then, with respect to the manumission, he thought it might be proper to

enable Government to introduce into Jamaica, the same system which they had in the Crown Colonies, with respect to the tribunals by which the valuations were to be fixed. There was another evil to be provided against, which had been inflicted upon the slave apprentices, and their protectors the stipendiary magistrates. It was intended to provide that the governor should have, when prosecutions were commenced against the magistrates, the power, with the advice of those whom he should feel it to be his duty to consult, where he saw such legal measures were taken against magistrates for the purpose of inflicting upon them anxiety, injury, and delay, of arresting the progress of such prosecutions. In those cases where magistrates had been subjected to a heavy penalty, it had been left to the discretion of the governor to see whether there was a case in which the government ought to indemnify the person proceeded against; the advice of counsel was taken to know whether it was a case in which the government ought to repay the expenses. The governor could act in the same manner when legal prosecutions were instituted. This proposition, he thought, would be a very great improvement, for the purpose of removing that which was used as an instrument of terror towards the magistrates.

"He thought, too, that some measure ought to be adopted to provide, that previously to the day on which non-predial apprentices were to be emancipated, that measures should be taken to secure that all such apprentices should have the full opportunity of knowing what was the real state of the case, to make them cognizant of their rights, so that they might be able to plead their own cause. Care, too, should be taken, to have an impartial revision of the classification lists. This should be looked to especially with respect to Jamaica. If the classification were proper, then the task to be performed would be a satisfactory one; but if it were not, then the governor ought to have the power of adopting the classification applied in the crown colonies, and this, too, without the necessity of referring home. By giving a power to the special magistrates of obtaining admission into all the dens and secret places where apprentices were to be found, a valuable check would be afforded for preventing the practice of cruelty. Further than this, it should be provided, that when the governor was satisfied, upon good authority, that the apprentice had been suffering injury which was the result of cruelty, passion, and injustice, then the governor, of his own authority, and at his own discretion, could free that person immediately. This, he was sure, would be considered by their Lordships a measure that would have a very material effect. It would at once put an end to that fatal and horrible practice, the flogging of females in those places, for penalties incurred on the failure of apprenticeship duties, and which failings had so frequently been founded on the false pretext of vengeance to gratify evil passions, because the person punished was not a slave. The penalty he proposed for cruelty would, he was sure, be dreaded by fraud and tyranny, and it would, he was sure, be found as a shield to throw over the slave.

"With respect to the circumstances connected with the state of slavery and of apprenticeship, there was nothing more revolting to his mind, nothing had produced a greater impression upon the people of this country, than the application of the lash. It was a system degrading in every respect; it was a system so horrible, that if they abolished slavery, and yet left the power of continuing the lash for apprenticeship offences, in a single case, they still left such, the actual victims of slavery. The act of abolition, forbade females being lashed for apprenticeship offences. That provision, he regretted to tell their Lordships, had been set at defiance; it had been scorned and contemned by the injustice and the revenge of the former masters of those unhappy slaves. The ingenuity of man had been exercised for the purpose of inflicting tortures upon his fellow creatures. And who did their Lordships suppose had been selected for the purpose of inflicting cruelty in the houses of correction? Why the class of men selected, were the very class that ought not to have been chosen—they were convicts for life—men dead to all sense of honour, of feeling, and of humanity; these were the men, who did not refuse to apply the lash to females, who entered into a vile combination with their employers, to glut the evil passions of both. They who indulged the aspirations of vengeance, were men lost to all thoughts of happiness, of hope, and of respect for themselves. In spite of the law, females had the lash applied to them for apprenticeship offences. This was a stain upon the legislature. He admitted it; and hence, he said, they might trace the fatal course of a bad system; for even when they abandoned the system, yet

they were not able to abandon the dreadful consequences which resulted from it. When an evil system was once adopted, dishonour and disgrace attended upon it. It was left by them as a fatal warning to other nations; for it apprised them, that the bad which was done in the moment of triumph and success, would live after it, and that its evil consequences would remain. It was vain to expect that in a short time the mischief would pass away, or that when they had abolished the evil, its consequences could instantly be abolished. The passions and the desperate resentments which had arisen in the progress of the system, would compel them still to adhere to desperate resources. Thus it was, that the punishment of the lash had not been at once abolished. They were compelled to use the whip with apprentices, because the whip had been the badge of slavery itself.

"He believed their Lordships would agree with him in thinking, that the time was now come when the punishment might be safely abolished. In many parts of the West Indies—in the Bahamas, for instance—there had been scarcely any flogging for some months; there was literally none, except two instances which had recently happened. In Guiana, the punishment was scarcely known amongst the numerous planters. He thought then, that they ought to take a fixed period in which the punishment of all flogging for apprenticeship offences should be extinguished. Therefore it was, that he intended to propose a measure by which it should be provided, that after a given period no crime—that is, no apprenticeship crime—should be subjected to the punishment of the lash.

"These were the general provisions of the measure he intended to introduce. He might enlarge upon them at greater length; but that was not the place, nor perhaps the exact occasion, for urging them. He trusted, however, that the period had at last arrived, in which the local assemblies would feel that the time was come when they ought to assist the authority of Parliament."—("*Morning Chronicle.*")

Speech delivered by Lord Glenelg, in the House of Lords, Wednesday, 13th March, 1838, on moving the second reading of the Bill, entitled, "an Act to Amend the Act for the Abolition of Slavery in the British Colonies."

Lord GLENELG said, he rose now to move the second reading of the bill, entitled "An Act to amend the Act for the Abolition of Slavery in the British Colonies;" and feeling the great importance of the subject he was about to present to their lordships, he should indeed have been embarrassed and called upon to trespass upon their attention at much greater length than he now thought it necessary, and than from his present indisposition he felt able to do, if he did not recollect, that this great question had already been pressed in a most eloquent and elaborate manner upon their lordships at no very distant time, and if also he did not remember, that at that time, he himself had taken the opportunity of stating the grounds upon which the Government were disposed to introduce a measure for the consideration of the Legislature. On that occasion, he had perceived a general impression pervaded their lordships that the period had arrived, when some Parliamentary interference was necessary with respect to the now state and condition of the British colonies in the West Indies.

"It would be remembered, that in the year 1833 the memorable act was passed to abolish slavery in the West Indian colonies, and that that act provided an intermediate period of time to elapse between the termination of slavery and the commencement of unrestricted freedom; and, in establishing that qualified system, the act intended to secure to both parties connected with that system, certain rights and privileges. The intention of that act had been to secure to the planter the just amount of work from his apprenticed labourer (formerly his slave) specified by law; and with respect to the apprenticed labourer himself, to secure to him during that intermediate space of time to which he (Lord Glenelg) had already adverted, the privilege of being exempt from being forced to give any labour beyond the amount so specified and required by law. The act secured to him also, a proper maintenance and subsistence during that time; it gave him the power of purchasing his freedom according to a just valuation at any moment of that time, and it provided, that he should be preserved from those gross oppressions and cruelties, which had characterized his state of slavery; and to attain that object, the act established a class of special magistrates for the express purpose of taking under

their protection the apprenticed labourers of the colonies, and providing that they should undergo punishment only under the authority of those special justices.

"The great question then now was, whether the intentions of the act of 1833, or, more properly speaking, whether the intentions of this Nation and the British Parliament, had been fulfilled, or whether, on the other hand, the hopes which had been entertained, had or had not been realized. During the first year after that great measure had passed, the experiment had been allowed to proceed without any intervention on the part of the Imperial Parliament, and in 1836 a Committee of the House of Commons had been appointed to examine into the working of the system. That Committee had made a very valuable report, and had stated certain particulars in which alteration and improvement were necessary. In 1837 another Committee for the same purpose had been appointed, or rather had been renewed, but they had made no report, neither had the evidence which had been taken before the last committee been published. It might, however, have been expected, that during the two years these inquiries were proceeding at home, some advancement had been made on the part of the local colonial legislatures towards the fulfilment of the recommendations of the committee of 1836. Unfortunately, such had not been the case, and now this country was reduced to the necessity of re-inquiring whether it was not within the duty, as well as the wisdom, of Parliament to interpose with a view to supply the remedies for such defects as time and experience had shown to be the result of the system established in 1833. Such remedies had been neglected by the local Legislatures; they had failed to supply, as they ought to have supplied, them, and it was, he submitted, now the duty of Parliament, in compliance with the wishes of the nation, to take care that necessary remedies should be devised and adopted, either by the local legistatures or the Imperial Parliament.

"The Committee of 1836, had entered into the inquiry entrusted to them at great length, and had particularly directed their attention to the island of Jamaica, the most ancient, the most populous of the British West India colonies, and from the leading position Jamaica had always held, the same observations as were applicable to that colony, though not strictly applicable to other parts, still in a great degree sketched out some of the ingredients and evils, incident to the rest of the colonies. It was, therefore, his (Lord Glenelg's) intention, to call their lordships' attention to the defects which that committee had pointed out in the working of the apprenticeship system, and it was not unimportant to observe that those evils and defects which the committee had recommended as worthy of the attention of the Legislature, were just those evils and defects, which it was now proposed the Legislature should deal with. He should not advert to the minor circumstances or the petty grievances into which the committee had inquired, but to those higher matters, which involved at once great principles and important consequences.

"The first defect to which the committee had alluded as existing in Jamaica, was the want of reciprocity in the amount and application of the penalties inflicted by the authority of the special justices upon the employers, planters, and managers of the apprenticed negroes. This evil, they remarked, had been pointed out to the colonial authorities by Lord Stanley, who, at the commencement of the system, had called the attention of the local legislature to the different sort of justice dealt out to the employer and to the labourer.

"Lord Stanley told them, that the act of 1833 enabled the magistrates to impose fines upon employers for any wrong inflicted upon the apprenticed labourer, and that such fines might be applied to the injured party either in the whole or in part, or be applied to the use of the public service in the island, according to the discretion of the magistrates. In short, it gave them power to compensate the apprentice for his wrongs out of the fines, and Lord Stanley had desired the local legislature to pass a clause to that effect. No such clause had, however, been introduced. At the same time, it appeared from the reports and voluminous details which were on their lordships' table, and to which he would willingly refer and quote from at length, but that he thought the facts were so notorious, that they must be admitted on all sides—it appeared from the reports on the table, that the committee did not insist upon a redress of that grievance, but at the same time it was clear from the reports and other documents furnished by the special magistrates, that the grievance was felt to exist by the negro population, and one of the most intelligent magistrates, stated, that of it they severely complained.

"The next defect to which the committee referred, was the defective constitution

of the tribunal for the valuation of slaves applying to purchase their freedom. The committee stated, that no guard existed against excessive valuations, and the result was, that great difficulty was, contrary to the intention of the Abolition Act, thrown in the way of the manumission of apprenticed negroes. They stated, further, that this also had been the subject matter of a correspondence between the Secretary of State and the governor of the colony, and although every effort had been made to correct it, no remedy had yet been applied. It was true, that this point was one of the most difficult subjects connected with the abolition question; but, at the same time, the impression raised from all the documents and from the general report was, that the valuations were elevated too high, and that difficulties were thrown in the way of manumission which had not been contemplated, in consequence of the tribunal in some islands being constituted of individuals bringing to it opinions held by particular parties.

"In the island of Jamaica, for instance, the tribunal was composed of one special magistrate (he meant one of those specially appointed to protect the slaves), and of two magistrates of the country. He (Lord Glenelg) did not wish by any means to imply that any of those magistrates of the country, many of whom were gentlemen of the highest honour and character, were capable of intentionally altering the valuation of the apprentices who appeared before them, but still they, from their situation, had some degree of bias, and at any rate a suspicion of a bias existed in consequence of the differences between the special justices and the magistrates of the country, and because the valuations in many instances had been so high, that the apprentices had been unable to obtain their manumission. That subject had been brought to the attention of the House of Assembly by (he believed) his noble friend Lord Stanley, and the reply of the House of Assembly had been, that they did not consider the valuations too high, but, on the contrary, that they had been much below the proper level. The same subject had again been brought under the consideration of the colonial Assembly by the governor, Sir Lionel Smith, but still no remedy for this defect in the system, had yet been supplied by that local Legislature.

"The committee of 1836 next pointed out, as another defect in the existing system, the want of adequate protection to the special magistrates against vexatious prosecutions. The committee represented that the special magistrates were obstructed in the performance of their duties, because the law was not clearly definite in protecting them, in cases where they attempted to inquire into the working of the system, or to ascertain the real state and condition of the apprentices by communicating with the gangs at work, or when in houses of correction, or imprisonment. For such endeavours, some magistrates had been exposed to vexatious prosecutions, and had been mulcted in costs. Although in those cases, the Government had interposed and rescued them from pecuniary loss, still he held that such was not the situation in which persons filling the arduous and important duties of the office of special magistrates ought to be left, and the committee in their report urged the necessity of some alteration in the system, in order to secure to the magistracy, freedom from such vexatious proceedings. It was true, that not many of these prosecutions had taken place; but still it must be admitted, that it was not their actual occurrence, but the dread and suspense necessarily created in the minds of the special magistrates from a liability to such prosecution, which must interfere with a bold and uncompromising discharge of their duties. In saying this, he did not mean to throw the slightest reflection upon the great body of magistrates in the Colonies, many of whom had most ably and faithfully fulfilled the functions committed to them. It appeared also from the papers on their lordships' table, that independent of such vexatious prosecution, the justices were often interfered with in the performance of their duty by other causes. They were often, it would appear, obstructed when about to enter estates; and in passing from one estate to another, they frequently were compelled to take a long circuitous route, though proceeding to the next adjoining property. Now, such obstructions were easily effected in the Colonies; but at the same time it was right to say, that these, as well as every other evil, were not, as had been stated by Sir L. Smith, of universal existence. On the contrary, he (Lord Glenelg) must observe, that there were in the West India Colonies many honourable men who kept aloof from the adoption of any such vexatious obstructions as those to which he adverted. There were men, however, who took advantage of the law as it now stood, and the evil existed up to the present time.

The next defect which the committee of 1836 had observed upon was, that the Jamaica law contained no provision for the regulation and distribution of the hours of labour—that distribution being now the principal cause of dispute between the employers and the apprenticed labourers. The dispute was as to eight hours' or nine hours' labour at a time. The total amount per week of labour, was fixed by the Act of Parliament of 1833, and no doubt it would be far more agreeable and advantageous to the apprentices themselves, that they should work under the nine-hours system, because it would enable them to have more time consecutively at their own command. The evils arising from these disputes, had been marked out in strong terms by the committee of 1836, and though these disputes did not exist universally, yet in some of the Colonies they prevailed to a considerable extent, and particularly in the island of Jamaica, on those estates where the eight-hour system was enforced by the proprietors, against the general wishes of the apprentices. The adoption of the nine-hour system, as a general regulation, had also been recommended to the House of Assembly for their consideration by the committee, and again by Sir L. Smith. That duty, however, the House of Assembly had not yet performed. Without infringing upon the rule he had laid down for himself, not to go into details, he perhaps might be permitted to mention one of the latest accounts on the subject which had been received from Sir L. Smith. It was of the date of the 13th November last. Sir L. Smith stated:—'As regards the general working of the apprenticeship system, we are at present considerably disturbed in some districts by certain obstinate planters and managers, who will not give up the eight-hour system of labour, and the struggle I have long maintained is now, in some parishes, broken out into open opposition by planters, and, in some instances, to open resistance by the apprentices;' and then, he went on to mention two or three instances of discontent arising from an obstinate adherence by the planters to the eight-hour system, an obstinacy which kept up the spirit of animosity between the apprentices and the employers.

In connexion with the eight-hour system, the Committee adverted, but not at any great length, to the subject of the allowance to the negroes of those indulgence, enjoyed by them when in a state of slavery. The Committee expressed regret, that these allowances or indulgences should have, in many instances, been withheld from the apprenticed labourers, and yet this, one of the greatest grievances which oppressed the labourers, was still allowed to continue unabated, though the subject had been more than once brought under the consideration of the House of Assembly. In the time of their slavery, they had been allowed several personal indulgences—for example, persons in an infirm state of health; and mothers with a certain number of children were in a considerable degree exempted from field labour; cooks were allowed to prepare food for the working gangs; and carriers were appointed to supply them with water during the hours of labour; these, and many other indulgences were at the present moment withheld. The bill provided, that all indulgences which were allowed to the negroes in a state of slavery, being necessary for their comfort and health, should be continued, but which in many cases had been taken away from them. For instance, mothers having sick children were now compelled to labour, and to hire persons to look after them; and aged and infirm persons, who had been exempted from work, were compelled to return to it again. Sir Lionel Smith expressed himself rather strongly on this subject in one of his despatches, stating, that it was his intention to bring before the House of Assembly, the hardship of depriving the negroes of fuel and water-carriers, which had the effect of converting the time allowed for breakfast, one hour and a half, into a season of toil, instead of repose, because the labourer was compelled to seek fuel and water; but if he could not find water on the estate, not being permitted to go away from it, he was doomed to suffer all the agony of thirst. Another grievance consisted in the labourer being obliged to walk from three miles to six to his work and back again, and this loss of time and strength, was not computed in his nine hours' toil. Another grievance on which the Committee dwelt with great emphasis, was the infliction of corporal punishment on female apprentices; they found that this subject had engaged the attention of the Government in Jamaica, and that of the Government at home, and that measures had been taken with a view to prevent the recurrence of the practice. It was peremptorily forbidden by the Act of Abolition; but in spite of that prohibition and of every effort which had been made to prevent it, it was quite clear, it had been very

much the custom to flog female apprentices since the passing of the act. He would not enter into the details of the cases inserted in the report of the committee. It appeared, however, from a pamphlet which was published last year, by one of the witnesses examined before that committee, that this mischief was perpetrated chiefly under the shelter of the workhouse system. The workhouses were regulated by local laws, and those who came under what was called the discipline of the workhouses, were subject to all the laws that regulated them, consequently, the special magistrates ceased to have any control over those negroes. Under that system corporeal punishment had been inflicted on the female apprentices, and every effort to put a stop to the practice had failed of success. Such were some of the grievances pointed out by the committee. Many attempts have been made to induce the local Legislature to redress those grievances, but without effect.

The noble Lord then proceeded to read, in a very low tone of voice, short passages from various despatches which had passed between him and Sir Lionel Smith, to show that these grievances had been frequently and earnestly urged on the attention of the colonial Legislature, with a view to their removal. The noble Lord particularly referred to a despatch sent by him to Sir Lionel Smith, dated the 15th of November, 1837, which recapitulated the despatches sent from the Colonial Office since the 29th of August, 1835, which his Lordship read as follows:

"In my despatch, No. 34, of the 29th August, 1835, I urged an amendment of the law, by which the ill-treatment of women in gaols might be prevented.

"In my despatch, No. 125, of the 15th October, 1835, I desired that the Assembly should be reminded of the pressing importance of enactments to secure the attendance of the children of apprentices at schools.

"In my despatch, No. 257, of the 24th April, 1836, I seconded the wishes of the Marquis of Sligo for laws to restrain cruelty in hospitals, and to authorize the inspection of them by special justices at all hours. A committee of the Assembly alleged, it is true, that the right to inspect was not disputed; but I find by the despatches now before me, that the attendance and proper treatment of the sick, is not yet secured by law, although the defects of the law on this head were pointed to by Lord Stanley at the very beginning of the apprenticeship, in his despatch of the 20th February, 1834, No. 3.

"In my despatch, No. 285, of the 12th June, 1836, I desired that the Assembly should be applied to for a law to restrain the powers of officers in workhouses to the infliction of such punishments only as should have been authorized in writing by a magistrate.

"In my despatch, No. 303, of the 26th June, 1836, I directed application to be made to the Assembly, for a law to prevent the flogging of women on the treadmill.

"In my despatches, Nos. 87 and 103, of the 29th April and 10th June, 1837, I had to regret the refusal of the Assembly to entertain the various proposals which you had brought before them, for supplying deficiences in the Abolition Act, and for the obtaining uniformity in the distribution of the hours of labour; and in my despatch, No. 176, of the 31st of last month, I was under the necessity of issuing such instructions as had become necessary, in consequence of the Assembly having failed to adopt the recommendation of the Committee of the House of Commons in the session of 1836, respecting amendments in the law which governs the valuation of apprentices for the purchase of their discharge.

"In my despatch, No. 99, of the 25th of May of this year, I desired that the Assembly should be called on to exempt the apprentices from the operation of certain enactments respecting vagrants. I have yet to learn whether this application has shared the fate of those previously enumerated.

"It is with serious regret and concern that I have found myself under the necessity of reverting thus specifically to a succession of ineffectual attempts to obtain requisite amendments of the law in Jamaica; but the continual recurrence of abuses, to the prevention of which, many of those attempts were directed, imperatively requires that I should discharge myself of the responsibility which would attach to me, if I did not once more convey through you to the Assembly of Jamaica an earnest exhortation, that they will not allow the period of apprenticeship to expire without anything being effectually done by their own intervention, to mitigate grievances which, while they must exasperate the minds of the apprentices, cannot fail to be attended with serious injury to the future interests of their employers."

After this despatch one was received from Sir Lionel Smith, stating that he intended to make some propositions for the removal of the grievances complained of, to the House of Assembly, and he (Lord Glenelg,) in reply, expressed his satisfaction thereat, and his hope, that his recommendations would be adopted, informing him, that he should await the result of his application to the Assembly before he would himself propose any measure to Parliament. In January last he received a despatch from Sir Lionel Smith, dated the 24th of November, 1837, after the proposals had been made to the House of Assembly, in which he said —" Referring your Lordship to the messages which I early sent to the present House of Assembly, in view to the correction of certain clauses of the Abolition Law bearing oppressively upon the apprentices, I am sorry to inform your Lordship, that I have no hope left, that they will correct the evils I exposed to them to insure more just laws for the remaining apprenticeship. Your Lordship will see, that I cannot report officially on the subject till I get the official answer, but I thought it desirable to give your Lordship the earliest information on what I am assured will be the fate of my anxious endeavours to have the laws ameliorated, that your Lordship may make up your mind and instruct me for my further guidance when the subject is brought before you in a more tangible shape."

The House of Assembly adjourned without coming to any thing like a decision on the propositons made, neither had the slightest intimation been given of their intention to adopt them. It therefore became the duty of the Imperial Parliament to interfere, and to pass this bill, which was intended to follow up and complete the provisions and objects of the Abolition Act, and to meet the defects in that act, which had been pointed out by the committee. He might relate other facts to their lordships, but the chief thing to be attended to, was the removal of acknowledged abuses. He did not think it necessary to enter into the details of the bill in all its provisions, as that would be done more properly in committee. Those subjects to which he had adverted;—the distribution of the time of labour, the inadequate protection of the special justices, the want of reciprocity in the treatment and employment of the apprentices, the discontinuance of those allowances to which the negroes had been accustomed, the time allowed for going to and coming from work, and the flogging of female apprentices, formed the principal subjects of the bill. He would, however, refer to one or two points in the bill. With respect to the protection of the special magistrates, it was twofold, direct and indirect. The protection was indirect in one sense, for the bill declared rather than enacted, because the Abolition Act had already enacted it, that those who obstructed the special magistrates in the performance of their duties, should be liable to a penalty; it also authorized the justices to enter the houses of correction, the hospitals, the workhouses, and to visit the various estates and plantations, either alone or in company with other persons, to receive complaints from labourers, and to examine into the treatment they received. Then, as to the direct protection they were to receive, they were to be protected from vexatious prosecutions and actions at law.

" It had been his intention to propose, that whenever an action was brought against a special magistrate, he should apply to the Government, and act under the advice of the law officers of the Crown, who would take the necessary measures for arresting the progress of the proceedings. It was now proposed, that those actions should be allowed to proceed, but that an appeal should be made to the Court of Error in the colony, and then to the Privy Council. The Court of Error in Jamaica consisted, as he understood, of the governor and nine official members of the Council, including the Chief Justice, the Attorney-General, the Bishop, and others, and some non-official members of the Council. That court was to judge only of points of law, but not of facts. It had no power to condemn the unrighteous verdict of a jury. There was, therefore, great difficulty in obtaining justice. It was proposed, then, that the evidence should be laid before this court, and that it should have the power even to reject evidence. The consequence would be, that the Court of Error, would not only be able to judge of the law, but of the facts, in future, and of the finding of the jury. This was a most material improvement. The same, of course, would be the case with respect to the Privy Council. It was also intended to remove all limitations as to the amount of damages. At present a certain sum must be involved by a suit, before an appeal could be made; it was, therefore, easy to avoid the possibility of such an appeal by fixing the damages below that amount.

"Since the bill had been printed, he understood it was defective with regard to the Privy Council; but whatever defects there might be in the bill, he hoped they would be remedied in committee, and that he should receive the co-operation of any noble lord who thought there were defects in it, in endeavouring to improve it. He entreated their lordships to come to the consideration of the bill in committee with an impartial desire to carry into effect the objects of the bill, and to favour him with their assistance.

"There were courts of error in all the legislative colonies where there were juries; but there were none in the Crown Colonies. There was, however, a tribunal composed of judges, who were all sent from this country. He proposed, then, that the appeal should be made to the regular court, as the supreme court, and as a last resort, to the Privy Council; but that all limits should be removed as to the amount of action. It was also proposed, that all female apprentices should be exempted from corporal punishment for any offence for so long as they continued to be apprentices; and that male apprentices were to be exempted also after the 1st of August, 1840, except for offences so punished in this country. It would also be competent for the governor, to liberate apprentices in some cases. Their lordships were aware, that the non-predials were to be liberated on the 1st of August, 1838, and the predials on the 1st of August, 1840; but laws had been passed, by which an unfair classification had been made, and by local acts in several cases, after a certain period, no revision of the classification was to take place. It was therefore proposed in the bill, to extend the time for revision, and the decision of the persons to be appointed was to be final. He had now stated the evils which existed, and shown the remedy proposed to be applied, and he entreated the favourable and indulgent attention of their lordships to the bill which had been brought forward; and he trusted, that it was not beyond the power of Parliament to apply a perfect cure for the evils which existed."—(*From Report in "The Times" Newspaper.*

Conclusion.

In taking leave of these comments, and of the evidence by which the legislative and practical abuses of the Apprenticeship System have been sufficiently proved, it must necessarily be a subject of deep regret, to the friends of the negro race, that a system so unjust in its principle,—so certainly productive of mischief,—and now admitted to be altogether needless for its professed purpose,—should, under any modification, be still permitted to continue. And that regret will be deepened on referring to the bill just passed for the mitigation of this abominable system, to find, that however valuable and important many of its proposed amendments undoubtedly are, it is nevertheless, singularly deficient in those stringent and imperative provisions, which are absolutely required, even for the accomplishment of its limited object.

This subject, however, together with others of great importance, must be reserved for future discussion,—the specific object of this Appendix being, as already stated, the illustration of such topics only, as were reserved for immediate consideration.

But it is impossible to conclude, without alluding once more, to the opinions expressed in the Anti-Slavery Statement, respecting those permanent Colonial laws, which are destined to succeed the present system.

To the future perils of the Negroes arising from Colonial legislation, the attention of the British Public has not been hitherto sufficiently directed.—These perils are imminent,—and they require a complete exposure, which it will be one of the first duties of the Anti-Slavery Committee to promote. A partial investigation of the various methods, by which it is proposed to contract the future market for free labour,—to compel its performance at inadequate wages,—and to retain the labouring population in a state of abject subservience, would be of little avail; the whole subject, therefore, must be postponed for the present, but with the prospect of resuming it at no distant period.

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